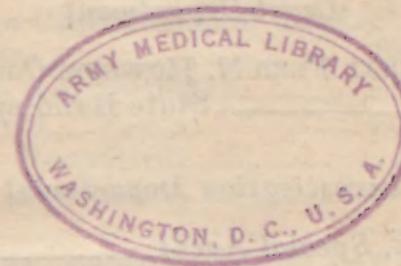


STATE OF CALIFORNIA
DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS
EARL WARREN, GOVERNOR; JAMES A. ARNERICH, DIRECTOR

BOARD OF MEDICAL EXAMINERS
COMPILATION OF
LAWS RELATING TO THE PRACTICE OF
MEDICINE AND SURGERY



California, Laws, statutes, etc.



EXTRACTED FROM THE
BUSINESS AND PROFESSIONS CODE,
THE GOVERNMENT CODE, AND
THE CODE OF CIVIL PROCEDURE
AS IN EFFECT SEPTEMBER 19, 1947

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STATE OF CALIFORNIA

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FOREWORD

In view of the many changes in the law since the last publication of this document, and particularly with respect to the 1945 changes creating the new Division of Administrative Procedure and providing for hearing officers and the promulgation of rules of evidence and procedure in all disciplinary matters, it was felt that it would be of great service to the board, the profession, and the public if a revised document could be prepared containing all of these new laws in addition to the Medical Practice Act.

With that object in mind, the present document has been prepared. This compilation does not cover all of the provisions of the Business and Professions Code. It does cover some of the general provisions of that code, as well as the Medical Practice Act relating to the practice of medicine and surgery, chiropody, drugless therapy and midwifery, the provisions relating to dispensing opticians, and the sections creating the Division of Administrative Procedure and providing for hearing officers. It likewise includes the Government Code sections containing the new Administrative Procedure Act, and the sections of the Code of Civil Procedure providing for judicial review from administrative decisions.

The new Business and Professions Code enacted by the Fifty-second Legislature codified the State Medical Practice Act (Statutes 1913, Chapter 354, page 722), the Diploma Mill Bill (Statutes 1927, Chapter 79, page 136), and the Political Code sections relating to the Department of Professional and Vocational Standards (Political Code, Secs. 377 to 377n), as well as certain other laws relating to the practice of medicine and surgery.

The Business and Professions Code, itself, including the provisions covering the Diploma Mill Bill, was enacted by Chapter 399 of the Statutes of 1937. The provisions of the code covering the State Medical Practice Act were added by Chapter 414 of the Statutes of 1937. After the code was enacted, certain provisions were amended by subsequent chapters. Where this has occurred, a note has been appended to the section.

The Business and Professions Code

An act to establish a Business and Professions Code, thereby consolidating and revising the law regulating and protecting private business and licensed professions and callings and penalizing violations thereof, and to repeal acts and parts of acts specified herein.

[Approved June 15, 1937; Chapter 399, Statutes of 1937]

GENERAL PROVISIONS

1. This act shall be known as the Business and Professions Code.
2. The provisions of this code in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations thereof, and not as new enactments.
3. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, shall continue to hold the same according to the former tenure thereof.
4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible.
5. No rights given by any license or certificate under any act repealed by this code are affected by the enactment of this code or by such repeal, but such rights shall hereafter be exercised according to the provisions of this code.
6. All persons, who, at the time this code goes into effect, are entitled to a certificate under any act repealed by this code, are thereby entitled to a certificate under the provisions of this code so far as the provisions of this code are applicable.
7. Any conviction for a crime under any act repealed by this code, which crime is continued as a public offense by this code, constitutes a conviction under this code for any purpose for which it constituted a conviction under the act repealed.
8. Unless the context otherwise requires, the general provisions hereinafter set forth shall govern the construction of this code.
9. Division, part, chapter, article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of this code.
10. Whenever, by the provisions of this code, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or duty performed by a deputy of the officer or by a

person authorized pursuant to law by the officer, unless it is expressly otherwise provided.

11. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required by this code, it shall be made in writing in the English language unless it is otherwise expressly provided.

12. Whenever any reference is made to any portion of this code or of any other law of this State, such reference shall apply to all amendments and additions thereto now or hereafter made.

13. (Repealed by Stats. 1941, Ch. 805.)

14. The present tense includes the past and future tenses; and the future, the present. Each gender includes the other two genders.

(Amended by Stats. 1939, Ch. 30.)

15. "Section" means a section of this code unless some other statute is specifically mentioned. "Sub-division" means a subdivision of the section in which that term occurs, unless some other section is expressly mentioned.

16. The singular number includes the plural, and the plural the singular.

17. "County" includes city and county.

18. "City" includes city and county.

19. "Shall" is mandatory and "may" is permissive.

20. "Oath" includes affirmation.

21. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia and the territories.

22. "Board," as used in any provision of this code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include "bureau," "commission," "division," and "agency."

(Amended by Stats. 1947, Ch. 1350.)

23. "Department," unless otherwise defined, refers to the Department of Professional and Vocational Standards.

23.5. "Director," unless otherwise defined, refers to the Director of Professional and Vocational Standards.

(Added by Stats. 1939, Ch. 30.)

23.6. "Appointing power," unless otherwise defined, refers to the Director of Professional and Vocational Standards.

(Added by Stats. 1945, Ch. 1276.)

24. If any provision of this code, or the application thereof, to any person or circumstance, is held invalid, the remainder of the code, or the application of such provision to other persons or circumstances, shall not be affected thereby.

DIVISION 2. HEALING ARTS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Records

500. Whenever the register or book of registration of the Board of Medical Examiners, the Board of Dental Examiners, or the Board of Pharmacy is destroyed by fire or other public calamity, the board, whose duty it is to keep the register or book, may reproduce it so that there may be shown as nearly

as possible the record existing in the original at the time of destruction.

501. For the reproduction of the destroyed register or book the board shall make use of such existing official printed registers, books or matter, certificates, affidavits to be presented, or other official information as may be available and which may appear to the board to be authentic. Upon the completion of the reproduction, the board shall by resolution adopt the reproduced register or book as the register or book of the board, and thereafter the same shall be taken and used to all intents and purposes as well for evidence as otherwise as if it were the original.

Article 4. Frauds of Medical Records

580. No person, company or association shall sell or barter or offer to sell or barter any medical degree, or osteopathic degree, or chiropractic degree, or drugless practitioner degree, or naturopathic degree, or any degree, certificate or transcript made or purporting to be made pursuant to any laws regulating the licensing and registration or issuing of a certificate to physicians and surgeons, drugless practitioners, chiropodists, midwives, osteopathic physicians and surgeons or drugless practitioners, naturopaths, chiropractors or persons lawfully engaged in any other system or mode of treating the sick or afflicted.

(Amended by Chap. 269, Stats. 1939.)

581. No person, company or association shall purchase or procure by barter or by any unlawful means or method, any diploma, certificate or transcript, with intent that it shall be used as evidence of the holder's qualifications to practice as a physician and surgeon, osteopathic physician and surgeon, a naturopath, a drugless practitioner, a chiropodist, or a midwife or any other system or mode of treating the sick or afflicted as provided in the State Medical Practice Act or in Chapter 5 of Division 2 of this code, relating to the practice of medicine, or in any fraud of the law regulating this practice or, shall with fraudulent intent, alter in a material regard, any such diploma, certificate, or transcript.

(Amended by Chap. 446, Stats. 1937.)

582. No person, company or association shall use or attempt to use any diploma, certificate, or transcript which has been purchased, fraudulently issued, illegally obtained, counterfeited or materially altered, either as a certificate or as to character or color of certificate, to practice as a physician and surgeon, naturopath, drugless practitioner, chiropodist or midwife, osteopathic physician and surgeon or a drugless practitioner, chiropractor or to practice any other system or mode of treating the sick or afflicted, provided in the State Medical Practice Act or in Chapter 5 of Division 2 of this code, relating to the practice of medicine.

583. No person shall in any affidavit required of an applicant for examination, license, certificate or registration under the State Medical Practice Act or under Chapter 5 of Division 2 of this code, relating to the practice of medicine, the Osteopathic Initiative Act, or the Chiropractic Initiative Act, wilfully make a false statement in a material regard.

584. No person shall impersonate or attempt to impersonate another in any examination for a cer-

tificate to practice as provided in the State Medical Practice Act or in Chapter 5 of Division 2 of this code, relating to the practice of medicine, the Osteopathic Initiative Act, or the Chiropractic Initiative Act, or under any other law providing for the regulation of any other system or method of treating the sick or afflicted in this State.

585. Any person, company or association violating the provisions of this article is guilty of a felony and upon conviction thereof shall be punishable by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment in the State prison for a term of not less than one year nor more than three years, or by both such fine and imprisonment.

Article 5. Illegal Advertising

600. It is unlawful for any person, firm, corporation or association, except boards of health or agencies approved by the State Department of Public Health, to post or otherwise exhibit or distribute in any manner whatsoever in any place, any advertising or other printed matter concerning venereal diseases, lost manhood, lost vitality, impotency, seminal emissions, self-abuse, varicocele, or excessive sexual indulgence, and calling attention to any medicine, device, compound, treatment or preparation that may be used therefor.

Any person violating the provision of this section shall upon conviction therefor be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

601. Every person who wilfully writes, composes or publishes any notice or advertisement of any medicine or means for producing or facilitating a miscarriage or abortion, or for the prevention of conception, or who offers his services by any notice, advertisement or otherwise, to assist in the accomplishment of any such purpose, is guilty of a felony and shall be punished as provided in the Penal Code.

CHAPTER 5. MEDICINE

Article 1. General Provisions

2000. This chapter constitutes the chapter on medicine of the Business and Professions Code.

Whenever a reference is made to the State Medical Practice Act by the provisions of any statute, it is to be construed as referring to the provisions of this chapter.

2001. All persons who, at the time this chapter goes into effect, hold office under any of the acts repealed by this chapter, which offices are continued by this chapter, continue to hold the same according to the former tenure thereof.

2002. No action or proceeding commenced before this chapter takes effect, and no right accrued, is affected by the provisions of this chapter, but all procedure hereafter taken shall conform to the provisions of this chapter as far as possible.

2003. The rights given by any certificate issued under any preceding medical practice act, are not affected by the enactment of this chapter, nor by the repeal of any law upon which such rights are based, but such rights shall hereafter be exercised according to the provisions of this chapter.

Medicine

"State
Medical
Practice
Act"

Tenure

Pending
proceedings

Existing
rights

2004. There is a Board of Osteopathic Examiners of the State of California, established by the Osteopathic Act, which enforces the provisions of this chapter relating to persons holding or applying for certificates issued by the Board of Osteopathic Examiners under the Osteopathic Act.

2005. The term "board" refers to: "Board" defined

(a) The Board of Medical Examiners of the State of California.

(b) The Board of Osteopathic Examiners of the State of California, where the Board of Osteopathic Examiners of the State of California exercises the functions granted to it by the Osteopathic Act.

2006. The term "person" means a natural person "Person" when a right, privilege, or power is conferred by defined this chapter upon a person.

2007. The term "professional" relates to the art "Professional" and science of medicine and surgery and to such defined other arts and sciences as may be included within the field of medicine and surgery.

2008. Corporations and other artificial legal Corporations entities have no professional rights, privileges or powers.

2009. "Medical Licensing Authority" refers to Medical any officer, board, commission, or department of licensing authority another State upon whose certificate, a reciprocity certificate may be issued.

2010. Whenever any requirement is provided for Requirements any certificate, it shall be satisfied in a manner satisfactory to the board.

2011. Whenever a course of instruction is Instruction required for any certificate, it shall be satisfied by a resident course of instruction. Whenever a resident course of instruction is mentioned in this chapter, the same shall be interpreted to mean classroom, laboratory, practical and clinical instruction, received and given the person physically present for the period prescribed for such instruction.

(Amended by Stats. 1947, Ch. 300.)

2012. Whenever any requirement is provided for Schools and any certificate relating to a school or hospital, the hospitals school and hospital shall be ones approved by the board.

Article 2. Administration

2100. There is in the Department of Professional and Vocational Standards a Board of Medical Examiners of the State of California which consists of 10 members who shall be appointed by the Governor.

2101. Members of the board shall only be appointed from persons who have been citizens of this State for at least five years next preceding their appointment, who hold licenses under this chapter or any preceding Medical Practice Act of this State, and who do not in any manner own any interest in any college, school, or institution engaged in medical instruction. Not more than one member of the board shall be appointed from the faculty of any one university, college, or other educational institution.

2102. Members of the board shall be appointed Terms for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members of the board in office when this chapter takes effect shall expire as follows:

Three on January 15, 1938; two on January 15, 1939; three on January 15, 1940; and two on January 15, 1941. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

Vacancies occurring shall be filled by appointment for the unexpired term.

2103. Before entering upon the duties of his office, each member of the board shall take the constitutional oath of office.

2104. The Governor has power to remove from office any member of the board for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.

2105. The board shall elect a president, a vice president and a secretary-treasurer from its membership. The officers of the board shall hold their respective positions during its pleasure.

2106. The board shall hold one regular meeting annually beginning on the third Monday in October in the City of Sacramento and at least two additional regular meetings annually, one of which shall be held in the City of Los Angeles and the other in the City of San Francisco. The board may adjourn from time to time until its business is concluded. Special meetings of the board may be held at such time and place as the board may designate.

2107. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the City of San Francisco, one published in the City of Sacramento, and one published in the City of Los Angeles.

2108. The secretary-treasurer of the board, upon an authorization from the president of the board or the chairman of a committee, may call meetings of any duly appointed committee of the board at a specified time and place. It is unnecessary to advertise such committee meetings.

2108.5. The board may create one or more committees to determine any or all of the following: (i) Whether an applicant fulfills all the requirements for the certificate for which he is applying, (ii) where an examination (written or oral or both) is required, whether the applicant shall be admitted to the examination and the terms and conditions of his admittance and whether he fails or passes, (iii) whether a recommendation should be made to the members of the board that the certificate applied for be issued. The board may appoint, or authorize the president to appoint, the members of any of these committees from the members of the board.

The action and recommendations of any committee established under this section shall be submitted in writing to all the members of the board. The members of the board, acting individually, may approve or disapprove the action of any committee with respect to each applicant. The approval or disapproval of each member shall be in writing and shall be filed with the secretary-treasurer. The recommendation of the committee authorized by the board to recommend the issuance of certificates and the individual written approval of at least seven-tenths of the members of the board is necessary to authorize the issuance of a certificate. Upon the receipt of the recommendation and approvals, the secretary-treasurer may issue the certificate.

Oath

Removal

Officers

Meetings

Notice

Committee meetings

Committees

A certificate issued upon the recommendation of a committee and the approval of at least seven-tenths of the members of the board, acting individually, is subject to the ratification of the board at its next meeting.

(Added by Stats. 1943, Ch. 471.)

2109. The office of the board shall be in the City Offices of Sacramento. Suboffices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to them. Legal proceedings against the board may be instituted in any one of these three cities.

2110. The board shall keep an official record of all its proceedings, a part of which shall consist of a register of all applicants for certificates under this chapter, together with the action of the board upon each application.

2111. In each year, the board shall compile and publish a complete directory of all persons within the State of California who hold unforfeited and unrevoked certificates to practice under any medical practice act of this State and whose certificate in any manner authorizes the treatment of human beings for diseases, injuries, deformities, or any other physical or mental conditions.

2112. The directory shall contain:

Contents

(a) The following information concerning each person designated in Section 2111:

- (1) The name and address of such person.
- (2) The names and symbols indicating his title.
- (3) The school, attendance at which qualified him for examination or admission to practice.
- (4) The date of the issuance of his certificate.
- (5) The form of certificate that he holds.

(b) The annual report of the board for the prior year.

(c) Information relating to other laws of this State and the United States, which the board determines to be of interest to persons licensed under this chapter.

(d) Copy of the provisions of this chapter.

(Amended by Stats. 1941, Ch. 218.)

2113. The board may require the persons designated in Section 2111 to furnish such information as it may deem necessary to enable it to compile the directory. Every person so designated shall report immediately each and every change of residence, giving both his old and new address.

2114. The directory shall be prima facie evidence of the right of the persons named in it to practice, unless such right has been revoked or suspended by the board subsequent to the publication of such directory. The secretary-treasurer shall mail a copy of the directory, and all new issues and copies of all supplements of it, to the last known address of each person listed in it, who has paid the annual tax for the current year.

(Amended by Stats. 1947, Ch. 307.)

2115. The board may appoint qualified persons to give the whole or any portion of any examination as provided in this chapter, who shall be designated as commissioners on examination. A commissioner on examination need not be a member of the board but shall be subject to the same rules and regulations

Commissioners on examination

and shall be entitled to the same fee as if he were a member of the board.

Prosecutions 2116. The board may prosecute all persons guilty of violating the provisions of this chapter.

It may employ inspectors, special agents, and investigators, any such clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. The board may fix the compensation to be paid for such service and may incur such other expenses as it may deem necessary.

The Attorney General shall act as the legal counsel for the board and his services shall be a charge against it.

Compensation 2117. The board shall fix the salary of the secretary-treasurer, with the approval of the Director of Finance, and the sum to be paid the members of the board, which shall not exceed thirty dollars (\$30) per diem each, for each and every day of actual service in the discharge of official duties.

This service includes the attendance at special meetings and committee meetings and service while actively engaged in the review of examination papers, based upon one per diem for each 30 papers or fraction thereof.

Each member of the board shall make a certification before some duly authorized person that the service has been actually performed. The board may add necessary traveling expenses. The secretary-treasurer shall be entitled to traveling and other expenses necessary in the performance of his duties.

(Amended by Stats. 1947, Ch. 344.)

Reciprocity contracts 2118. The board may enter into contracts of reciprocity with other States, wherein the standards are not in any degree or particular less than are the standards of this State, for the issuance of reciprocity certificates to practice a system or mode of treating the sick or afflicted.

The reciprocity certificate shall not be greater in scope of practice than is permitted under the equivalent certificate issued after the regular examination procedure in this State.

Rules 2119. The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this chapter. It shall require the affirmative vote of seven members to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate under this chapter.

Any member of the board may administer oaths in all matters pertaining to the duties of the board, and the board may take evidence in any matter cognizable by it.

Report 2120. On or before the first day of January of each year, the board shall transmit to the Governor a full and true report of all its proceedings, together with a report of all its receipts and disbursements.

The board may publish its report separately and also as a part of the annual directory. The costs of publication shall be chargeable against the Contingent Fund of the board.

(Amended by Stats. 1941, Ch. 222.)

Article 3. Certificate Issued and Persons Exempt

Certificates 2135. The board shall issue four forms of certificates under its seal and signed by the president

and secretary-treasurer. These certificates shall be designated as:

- (a) Physician's and surgeon's certificate.
- (b) Drugless practitioner's certificate.
- (c) Certificate to practice chiropody.
- (d) Certificate to practice midwifery.

These four forms may also be issued as reciprocity certificates.

2136. All certificates issued shall state the extent **Contents and character of the practice which is permitted**, and shall be in the form prescribed by the board.

2137. The physician's and surgeon's certificate **Physician's and surgeon's certificate** authorizes the holder to use drugs or what are known as medical preparations in or upon human beings and to sever or penetrate the tissues of human beings and to use any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions.

2138. The drugless practitioner's certificate **Drugless practitioner's certificate** authorizes the holder to treat diseases, injuries, deformities, or other physical or mental conditions without the use of drugs or what are known as medical preparations and without in any manner severing or penetrating any of the tissues of human beings except the severing of the umbilical cord.

2139. The certificate to practice chiropody **Practice of chiropody** authorizes the holder to practice chiropody. As used in this chapter:

Chiropody means the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot. No chiropodist shall do any amputation or use an anesthetic other than local.

(Amended by Stats. 1941, Ch. 1116.)

2140. The certificate to practice midwifery **Certificates to practice midwifery** authorizes the holder to attend cases of normal childbirth.

As used in this chapter, the practice of midwifery constitutes the furthering or undertaking by any person to assist a woman in normal childbirth. But it does not include the use of any instrument at any childbirth, except such instrument as is necessary in severing the umbilical cord, nor does it include the assisting of childbirth by any artificial, forcible, or mechanical means, nor the performance of any version, nor the removal of adherent placenta, nor the administering, prescribing, advising, or employing, either before or after any childbirth, of any drug, other than a disinfectant or cathartic.

A midwife is not authorized to practice medicine and surgery by the provisions of this chapter.

2141. Any person, who practices or attempts to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this State, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, without having at the time of so doing a valid, unrevoked certificate as provided in this chapter, is guilty of a misdemeanor. **Unlawful practice**

2142. Any person, who uses in any sign or in an advertisement the word "doctor," the letters or prefix "Dr.," the letters "M.D.," or any other term **Representation as physician and surgeon**

or letters indicating or implying that he is a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, or that he is entitled to practice hereunder, or under any other law, without having at the time of so doing a valid, unrevoked certificate as provided in this chapter, is guilty of a misdemeanor.

2142.5. Any person who uses in any sign or advertisement the word, term or suffix "drugless practitioner" without having at the time of so doing, a valid unrevoked certificate, as provided in this chapter, is guilty of a misdemeanor.

(Added by Stats. 1939, Ch. 344.)

2142.10. Any person who represents or holds himself out as a "physician" or who represents or holds himself out as a "physician" in any combination with any other designation without, at the time of so doing, having a valid, unrevoked and unsuspended certificate as a physician and surgeon under this chapter, is guilty of a misdemeanor.

(Added by Stats. 1947, Ch. 1005.)

2143. Any person, who uses in any sign or any advertisement or otherwise the word "chiropodist," "foot specialist," or any other term or terms or letters indicating or implying that he is a chiropodist, or that he practices or holds himself out as practicing chiropody or foot correction as defined in Section 2139, without having at the time of so doing a valid, unrevoked certificate as provided for in this chapter, is guilty of a misdemeanor.

2144. Nothing in this chapter prohibits service in the case of emergency, or the domestic administration of family remedies, nor does this chapter apply to any commissioned medical officer in the United States Army, Navy, or Marine Hospital, or public health service, in the discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry.

2145. Nothing in this chapter applies to any practitioner from another State, when in actual consultation with a licensed practitioner of this State, if he is, at the time of the consultation, a licensed practitioner in the State in which he resides. But he shall not open an office or appoint a place to meet patients or receive calls within the limits of this State.

2146. Nothing in this chapter shall be construed so as to discriminate against any particular school of medicine or surgery, or any other treatment, nor shall it regulate, prohibit or apply to any kind of treatment by prayer, nor interfere in any way with the practice of religion.

2147. Nothing in this chapter shall be construed to prevent a student regularly matriculated in any legally chartered school approved by the board from treating, without compensation to the student, the sick or afflicted as a part of his course of study.

2147.5. Any graduate student registered with the board and upon whom a degree of doctor of medicine, bachelor of medicine, or doctor of osteopathy has been conferred by a school, approved by the board, and any regularly matriculated student in a school approved by the board may, during and as a part of his course of study, but not for a period of more than two years, treat the sick and afflicted either as such student in a school approved by the board, teaching medicine, surgery or osteopathy in this State,

Representation as drugless practitioner

Representation as a physician

Representation as a chiropodist

Exemptions

Consultations

Discrimination prohibited

Students

Student practice

or as an interne in a hospital approved for the training of internes, and may, for rendering such treatment, receive compensation therefor from the hospital or school. Hospitals functioning as a part of the teaching program of an approved school in this State may exchange instructors or resident or assistant resident physicians with an out-of-state approved school, and the exchange instructor, resident or assistant resident from such out-of-state school may, for a period not exceeding one year, serve as an instructor, resident or assistant resident in such hospital in this State. Any person registered with the board and upon whom a degree of doctor of medicine or doctor of osteopathy has been conferred by a school approved by the board may act as a resident or assistant resident physician in any hospital approved for residencies or the training of internes, and may receive compensation therefor from the hospital; provided, that any such resident or assistant resident shall qualify for and take the next succeeding examination for a physician's and surgeon's certificate given by the board. If he shall fail to pass such examination, all privileges under this section shall automatically cease.

Except to the extent authorized by this section, no graduate student or resident may treat the sick or afflicted or receive compensation therefor, or otherwise engage in or offer to engage in the practice of medicine or surgery; unless he shall hold a valid, unrevoked and unsuspended physician's and surgeon's certificate.

(Amended by Stats. 1947, Ch. 867.)

2148. Nothing in this chapter prohibits the manufacture, the recommendation or the sale of either Foot corrective shoes or appliances for the human feet. appliances

(Amended by Stats. 1941, Ch. 1116.)

Article 4. Applications Generally

2165. The provisions of this article shall apply Applications to all certificates unless the particular provisions applicable to each certificate otherwise provide or specifically cover.

2166. Each application for a certificate shall be Filing accompanied by the fee required by this chapter and shall be filed with the board at least two weeks prior to its regular meeting.

2167. The application shall be made upon a blank Information furnished by the board. It shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe, in addition to the information required by law.

2168. All applications, except one that is based Contents upon a diplomatic certificate issued by the National Board of Medical Examiners of the United States, shall contain or have attached thereto:

(a) Testimonials of good moral character satisfactory to the board.

(b) Each diploma issued by some legally chartered school approved by the board. The requirements of the school shall have been at the time of granting the diploma in no degree less than those required under this chapter or by any preceding medical practice act at the time that the diploma was granted. In lieu of any diploma, the applicant

may submit evidence satisfactory to the board of having possessed the same.

(c) An affidavit showing to the satisfaction of the board that the applicant is the person named in each diploma that he submits, that he is the lawful holder, and that it was procured in the regular resident course of instruction and examination without fraud or misrepresentation.

Diplomas 2168.5. Every applicant shall prove that a diploma or other evidence of final, successful and entire completion of instruction and training required by a school approved by the board has been issued to him.

(Added by Stats. 1943, Ch. 530.)

High school education 2169. All applications, except one for a certificate to practice midwifery, shall contain, or have attached thereto, a diploma from a California high school or other school in the State of California requiring and giving a full four years' resident course of the same grade, or other schools elsewhere requiring and giving full four years' resident standard high school course, or its equivalent, approved by the board.

Proof, satisfactory to the board, shall be submitted that the applicant is the lawful holder of the diploma, and that it was procured in the regular resident course of instruction without fraud or misrepresentation.

Alternatives 2170. In lieu of the requirements of Section 2169, sufficient preliminary educational qualifications may be shown by compliance with any of the following requirements:

(a) The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California, Stanford University, or the University of Southern California.

(b) The possession of documentary evidence of admission to the academic department of the institutions mentioned in subdivision (a) as a regular student or in full standing.

(c) The certificate from the college entrance examination board, or the college examining board of any State showing that the applicant has passed the examination of the board.

(d) If the applicant is 30 years or more of age, he may show to the satisfaction of the board proof of preliminary education equivalent in training power to the foregoing alternatives.

Professional instruction 2171. All applicants for any certificate shall file evidence satisfactory to the board, showing each legally chartered school, approved by the board, in which a resident course of professional instruction was pursued covering the minimum requirements provided for the particular certificate for which the application is filed.

2172. The hours required for any resident course of professional instruction shall be actual work in the classroom, laboratory, clinic, or hospital, and at least 80 per cent of actual attendance shall be required.

The hours required in any subject need not exceed 75 per cent of the number specified, but the total number of hours in all subjects of each group shall not be less than the total number specified for the group.

Hours required

Professional instruction

Hours required

2173. The board shall approve every school which ^{Approval of schools} complies with the requirements of this chapter for resident courses of professional instruction and shall admit every applicant to the examination who complies with the requirements provided for the particular certificate for which his application is filed. Nothing in this chapter prohibits the board from considering the quality of the resident courses of professional instruction required.

2174. If any school is disapproved by the board or any applicant for examination is rejected by it, then the school or the applicant may commence an action in the superior court against the board to compel it to approve the school or to admit the applicant to examination or for any other appropriate relief. In such an action the court shall proceed under Section 1094.5 of the Code of Civil Procedure; provided, however, that the court may not exercise an independent judgment on the evidence. The action shall be speedily determined by the court and shall take precedence over all matters pending therein except criminal cases, applications for injunctions, or other matters to which special precedence may be given by law. The action shall be commenced and tried in the Superior Court of the State of California, in and for the County of Sacramento.

(Amended by Stats. 1947, Ch. 469.)

2175. Subject to the provisions of the State Civil Service Act, any person, who is licensed to practice medicine and surgery in any other State, and who is a graduate of a medical school approved by the Board of Medical Examiners in this State, and who has applied for a physician's and surgeon's certificate in this State, may be appointed to the medical staff of any State mental hospital or State feeble-minded home under the jurisdiction of the State Department of Institutions for a period of one year at the end of which period, he must have secured a physician's and surgeon's certificate in order to continue as a member of the staff. Until such person has secured his physician's and surgeon's certificate he must not engage in the practice of medicine in this State, except that he shall be entitled to treat only the inmates of the institution, on the staff of which he has been appointed under the provisions of this section.

(Added by Stats. 1941, Ch. 912.)

2176. Subject to the provisions of the State Veterans' Civil Service Act, any person, who is licensed to practice medicine and surgery in any other State, and who is a graduate of a medical school approved by the Board of Medical Examiners in this State, and who has applied for a physician's and surgeon's certificate in this State, may be appointed to the medical staff of the Veterans' Home of California for a period of one year at the end of which period, he must have secured a physician's and surgeon's certificate in order to continue as a member of the staff. Until he has secured his physician's and surgeon's certificate he shall not engage in the practice of medicine in this State, except that he may treat only the members of the home.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-seventh Regular Session of the Legislature or until

the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.
 (Added by Stats. 1945, Ch. 264.)

Article 5. The Physician's and Surgeon's Application

Physician's and surgeon's certificate 2190. Every applicant for a physician's and surgeon's certificate shall comply with all the provisions of this article, in addition to the requirements of Article 4, unless the requirement is one applicable to a particular class of applicant for this certificate.

Preliminary education 2191. Each applicant shall present evidence satisfactory to the board that he has completed a one-year resident course of college grade in the subjects of physics, chemistry and biology. An applicant graduating after January 1, 1919 shall present evidence satisfactory to the board of having completed this course before beginning the last half of the second year in the resident study of medicine. An applicant graduating after January 1, 1924 shall present evidence satisfactory to the board of having completed this course before commencing the study of medicine.

Schedule of instruction 2192. Each applicant shall show by evidence satisfactory to the board that he has attended four resident courses of professional instruction in a school or schools of the United States or Canada, approved by the board, but these courses need not necessarily have been pursued continuously or consecutively. Each course shall not have been of less than 32 weeks duration, and the total number of hours for all courses shall consist of 4,000 hours according to the following schedule:

Group 1.

Anatomy, including embryology and histology-----14 to 18½ per cent

Group 2.

Physiology ----- 4½ to 6 per cent

Group 3.

Biochemistry ----- 3½ to 4½ per cent

Group 4.

Pathology, bacteriology and immunology ----- 10 to 13 per cent

Group 5.

Pharmacology, including materia medica and toxicology 4 to 5 per cent

Group 6.

Preventive medicine and hygiene ----- 3 to 4 per cent

Group 7.

General medicine, neurology and psychiatry, pediatrics, dermatology and syphilis---20 to 26½ per cent

Group 8.

General surgery, orthopedic surgery, urology, ophthalmology, otolaryngology, roentgenology ----- 13 to 17½ per cent

Group 9.

Obstetrics and gynecology---- 4 to 5 per cent

Total ----- 76 to 100 per cent

Electives ----- 24 to 0 per cent

Total number of hours required---4000 hours

(Amended by Stats. 1939, Ch. 281.)

2193. An applicant, whose application is based on a diploma issued to him by a foreign medical school approved by the board, except a Canadian school, shall furnish documentary evidence, satisfactory to the board, that:

(a) He has completed a resident course of professional instruction in an approved medical school or schools equivalent to that required in this article for a physician and surgeon applicant.

(b) Subsequent thereto, he has had issued to him by an approved medical school, a medical diploma, as evidence of the completion of the course of medical instruction required in this chapter.

(c) He has been admitted or licensed to practice medicine and surgery in the country wherein is located the institution in which he has completed the resident courses of professional instruction required under this chapter.

(d) He has completed either the senior or fourth or final year in an approved medical school in the United States, or in lieu of this, that he has served at least one year in residence in a hospital located in the United States and approved by the board for training of internes.

(e) If the applicant is not a citizen of the United States, the country in which he has been licensed to practice medicine and surgery will admit to practice therein citizens of the United States upon proof of prior admission to practice medicine and surgery in some State of the United States or upon proof of matters similar to those required in this section for graduates of foreign medical schools.

(Amended by Stats. 1939, Ch. 281, and by Stats. 1941, Ch. 751.)

NOTE.—Stats. 1941, Ch. 751, which amended Section 2193, contained the following:

SEC. 2. Subdivision (e) added to Section 2193 of the Business and Professions Code by this amendatory act does not apply to any person who on March 31, 1941, was registered as an interne under Chapter 5 of Division 2 of the Business and Professions Code, relating to the practice of medicine.

2194. An applicant, whose application is based on a diplomate certificate issued by the National Board of Medical Examiners of the United States, shall pay the fee provided by this chapter and, in addition to all other requirements provided for a physician's and surgeon's certificate, he shall file testimonials of good moral character satisfactory to the board and shall satisfy the board that the standard of the National Board of Medical Examiners on the date that the diplomate certificate was issued was in no degree or particular less than that which was required for a physician's and surgeon's certificate under this chapter on the same date.

He shall also satisfy the board that the diplomate certificate was procured without fraud or misrepresentation and that at no time has any certificate or license issued by any State of the United States or issued by a foreign country been revoked or annulled for unprofessional conduct.

The board may, in its discretion, with or without an oral examination, issue a certificate to an applicant who has complied with the requirements provided for a diplomate certificate.

2195. Before July 1, 1918, in lieu of the other requirements, when the applicant can show, to the satisfaction of the board, that he has taken the

National
board
applicants

before July
1, 1918

resident courses required for a drugless practitioner's certificate or a physician's and surgeon's certificate in schools approved by the board and that passing grades were received by him, he shall be admitted to the examination for the respective form of certificate.

For applicants for a drugless practitioner's certificate, the course shall have been one totaling not less than 96 weeks consisting of not less than 3,000 hours and for a physician's and surgeon's certificate, one totaling not less than 128 weeks consisting of not less than 4,000 hours.

(Amended by Stats. 1939, Ch. 360.)

Article 6. United States Commissioned Medical Officers' Applications

Commissioned applicants

2210. An applicant, whose application is based on a commission as a medical officer in the United States Army, Navy, or Public Health Service, and who comes within the provisions of this article, may apply for a physician's and surgeon's certificate in accordance with the provisions of this article.

Army and Navy applicants

2211. This article applies to any medical director, medical inspector, passed assistant surgeon, and assistant surgeon of the United States Navy, and to any surgeon of the United States Army. Each applicant in either service shall be one who is honorably discharged, temporarily detached, placed upon the retired list without being discharged from, or on active duty in the medical department of the United States Army or Navy, or who, by resignation, has honorably severed all connection with either service.

Public Health Service

2212. This article applies to any surgeon general, assistant surgeon general, senior surgeon, surgeon, passed assistant surgeon, and assistant surgeon of the United States Public Health Service, who is on active duty with this service, or temporarily detached, or one who has honorably severed all connection with this service.

Contract surgeons

2213. This article does not apply to any contract surgeon in the United States Army, Navy or Public Health Service, nor to any officer of the medical reserve corps of the Army, Navy or Public Health Service.

Applications

2214. An applicant to whom this article applies shall file an application on a form approved by the board accompanied by a sworn copy of his discharge, or the order temporarily detaching him, or the order placing him on the retired list with the board or he shall prove to the satisfaction of the board that, by resignation, he has honorably left the service of the Army, Navy or Public Health Service. He shall pay the fee required by this chapter.

Certificate

2215. If the application is favorably acted upon by the board, it shall issue a physician's and surgeon's certificate.

Standard of requirements

2216. If it appears to the satisfaction of the board, that the applicant was commissioned in the United States Army, Navy or Public Health Service at a time when the requirements of the service for his commission were in any degree or particular less than those which were required for the issuance of a similar certificate to practice in California at the date of his commission, the board, in its discretion, may require the applicant to pass a practical, clinical, oral examination before a certificate may be

issued or the board may, in its discretion, refuse to issue a certificate.

Article 7. The Drugless Practitioner's Application

2230. Every applicant for a drugless practitioner's certificate shall comply with all the provisions of this article in addition to the provisions of Article 4.

2231. Each applicant shall show by evidence satisfactory to the board that he has attended three resident courses of professional instruction in a school approved by the board, but these courses need not necessarily have been pursued continuously or consecutively. Each course shall not have been of less than 32 weeks in duration, and the total number of hours for all courses shall consist of 3,000 hours according to the following schedule:

Group 1. 600 hours.

Anatomy -----	485 hours
Histology -----	115 hours

Group 2. 500 hours.

Elementary chemistry and toxicology -----	200 hours
Physiology -----	300 hours

Group 3. 550 hours.

Elementary bacteriology -----	200 hours
Hygiene -----	100 hours
Pathology -----	250 hours

Group 4. 500 hours.

Diagnosis -----	500 hours
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Group 5. 500 hours.

Manipulative and mechanical therapy -----	500 hours
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Group 6. 350 hours.

Gynecology -----	150 hours
Obstetrics -----	200 hours

Total -----	3000 hours
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(Amended by Stats. 1939, Ch. 360.)

Article 8. The Chiropodist's Application

2245. Every applicant for a certificate to practice chiropody shall comply with all the provisions of this article in addition to the provisions of Article 4.

2245.5. Each applicant graduating from a chiropody college after January 1, 1941, shall present evidence satisfactory to the board of having completed a one-year resident course of work of college grade in a school approved by the board before commencing the resident course of professional instruction.

(Added by Stats. 1939, Ch. 1021.)

2245.6. In lieu of the requirements of Section 2245.5, an applicant who is a discharged veteran of World War II may present satisfactory evidence to the board that he has taken a course of study under the auspices of the United States Government by virtue of the laws and regulations of the Congress provided, or under the auspices of the State by virtue of cognate laws and regulations by the Legislature provided, if such course is recognized by a college or school approved by the board as constituting the equivalent of the one-year resident course prescribed by Section 2245.5.

(Added by Stats. 1945, Ch. 673.)

Training required

2246. Each applicant shall show by transcripts or other evidence satisfactory to the board that he has attended four resident courses of professional instruction in a school approved by the board covering at least 4,000 hours.

Each hour does not include the time consumed by examinations or tests and shall not be less than 50 consecutive minutes. Not more than eight hours work is to be credited to any student in any one day of 24 hours. Each course shall not be of less than 32 weeks duration. At least 11 months shall intervene between the beginning of any course and the beginning of the preceding course, but these courses need not necessarily have been pursued continuously or consecutively.

This instruction shall be in accordance with the following schedule :

Group 1.

Anatomy, including embryology and histology-----11 to 13 percent

Group 2.

Physiology and bio-chemistry-- 8 to 10 percent

Group 3.

Bacteriology, pathology and immunology ----- 9 to 10 percent

Group 4.

Pharmacology, including materia medica, and toxicology 5 to 6 percent

Group 5.

Preventive medicine and hygiene ----- 2 to 3 percent

Group 6.

Shoe therapy, physical therapy, foot orthopedics, and didactic chiropody -----21 to 24 percent

Group 7.

Chiropodic medicine, physical and laboratory diagnosis, neurology, psychology, dermatology and syphilology---18 to 20 percent

Group 8.

Chiropodic surgery, orthopedic surgery, and roentgenology--10 to 14 percent

Total -----84 to 100 percent

Electives -----16 to 0 percent

Total number of hours required -----4,000

The increase in educational requirements from three resident courses of professional instruction in a school approved by the Board of Medical Examiners covering 3,360 hours to four such courses covering 4,000 hours shall apply only to applicants for the certificate to practice chiropody who matriculate at any such school after September 1, 1947 for the first time. Applicants who have matriculated at any such school prior to September 1, 1947 shall be subject to the requirement of attendance of three resident courses covering 3,360 hours in accordance with the law in existence immediately preceding the effective date of this act.

(Amended by Stats. 1947, Ch. 289.)

Schedule

Article 9. The Midwife's Application

2260. Every applicant for a certificate to practice Midwives midwifery shall comply with all the provisions of this article in addition to the provisions of Article 4.

2261. Each applicant shall show that he has High school completed, in a school approved by the board, at least one year of resident high school instruction or its equivalent. But an applicant graduating after October, 1918, shall present to the board a diploma from a California high school giving a full four years' standard resident high school course or its equivalent.

2262. Each applicant shall show by evidence Professional satisfactory to the board that he has had a resident instruction course of professional instruction by compliance with any one of the following alternatives:

(a) The attendance at a one-year resident course in a hospital recognized as reputable by the board, and the taking of a resident course of professional instruction satisfactory to the board, for this period.

(b) The possession of a diploma from a hospital recognized as reputable by the board, and the taking of a resident course of professional instruction for a period of at least three months.

(c) The taking of a resident course of professional instruction in any school approved by the board as giving a course of professional instruction for a physician's and surgeon's certificate.

2263. The resident course of professional instruction required for each applicant shall consist of Schedule of courses of courses obstetrics, anatomy, physiology, hygiene and sanitation in accordance with the following schedule:

Group 1. 150 hours.

Anatomy	75 hours
Physiology	75 hours

Group 2. 265 hours.

Hygiene and sanitation	100 hours
Obstetrics	165 hours
Total	415 hours

Article 10. Examinations

2280. All applicants shall take the examination Examinations provided in this article for the certificate for which nations they are applying unless the particular provisions of this chapter otherwise provide or specifically cover.

2281. All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession. At least a portion of the examination in each subject shall be in writing. Test fitness Interpreters

2282. The examination shall be conducted in the English language. Upon the submission of satisfactory proof from the applicant that he is unable to meet the requirements of the examination in the English language, the board may allow the use of an interpreter, either to be present in the examination room or thereafter to interpret and transcribe the answers of the applicant. The selection of the interpreter shall be left entirely to the board and his expenses shall be borne by the applicant. The payment of his expenses shall be made before the examination is held.

2283. The examination may be conducted in any Place of examination part of the State designated by the board. The aminations

notice of each meeting of the board at which an examination is to be held, shall specify the time and place of holding the examination.

Examination papers 2284. The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary-treasurer for a period of one year. In the examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application.

Examiners 2285. The secretary-treasurer shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which a written examination is required under this chapter shall be provided by the board upon the morning of the day upon which the examination is given. If it is shown that the secretary-treasurer or any member of the board has in any manner given information in advance of or during the examination to any applicant, the Governor shall remove him from the board or from the office of secretary-treasurer.

2286. There shall be at least 10 questions on each subject included in the examination for each certificate. The answers to the questions shall be marked on a scale of 0 to 100. Each applicant shall obtain not less than a general average of 75 per cent and not less than 60 per cent in any two subjects. Each applicant shall be granted a credit of 1 per cent upon his general average for each year of actual licensed practice in the United States and Canada since graduation, which credit shall not exceed 10 points upon such general average.

(Amended by Stats. 1941, Ch. 220.)

NOTE.—Stats. 1941, Ch. 220, which amended Section 2286, contained the following:

SEC. 2. The amendment to Section 2286 of the Business and Professions Code made by this act shall not apply to any person, who on March 31, 1941, was serving the period of internship required by Chapter 5 of Division 2 of the Business and Professions Code, relating to the practice of medicine, and who on March 31, 1941, was registered with the Board of Medical Examiners of the State of California, and he shall be entitled to the credits provided by said Section 2286 as it existed prior to its amendment by this act.

Grades 2287. Any applicant for a physician's and surgeon's certificate obtaining 75 per cent each in seven subjects and any applicant for a drugless practitioner's certificate obtaining 75 per cent each in five subjects and any applicant for a certificate to practice chiropody obtaining over 75 per cent in five subjects and any applicant for a certificate to practice midwifery obtaining 75 per cent in one subject shall be reexamined in those subjects only in which he failed and without additional fee.

2288. Applicants for a physician's and surgeon's certificate under Article 5 shall pass an examination in the following subjects:

- (a) Anatomy, including histology.
- (b) Physiology.
- (c) Bacteriology and pathology.
- (d) Biochemistry.
- (e) Obstetrics and gynecology.
- (f) Materia medica, pharmacology and therapeutics.

Physician's and surgeon's examination

(g) General medicine, including clinical microscopy.

(h) Surgery.

(i) Public health and preventive medicine.

2289. Applicants for a drugless practitioner's certificate under Article 7, shall pass an examination in the following subjects: Drugless practitioner's examination

(a) Anatomy, including histology.

(b) Physiology.

(c) General diagnosis.

(d) Elementary pathology and elementary bacteriology.

(e) Obstetrics.

(f) Toxicology and elementary chemistry.

(g) Public health and preventive medicine.

2290. Any person, who holds a drugless practitioner's certificate, which was issued upon satisfactory proof of meeting the requirements for the resident course of professional instruction after a written examination, and who presents evidence of having successfully completed the additional courses required for the physician's and surgeon's certificate in a school approved by the board, shall be permitted to take his examination in subjects required for a physician's and surgeon's certificate without being reexamined in the subjects required for a drugless practitioner's certificate. Additional examination

The subjects for this examination shall be:

(a) Biochemistry.

(b) Advanced bacteriology and pathology.

(c) Surgery.

(d) Materia medica, pharmacology and therapeutics.

(e) General medicine, including clinical microscopy.

(f) Advanced obstetrics and gynecology.

2291. Any drugless practitioner who, before January 1, 1916, paid the fees provided and submitted satisfactory proof of good moral character and of a resident one-year course of not less than 1,000 hours in a legally chartered school approved by the board and who, in addition, submitted satisfactory proof of either three years of actual practice of a drugless system of the healing art in this State in order to take the examination, or six years of actual practice of a drugless system of the healing art of which three years were in this State, together with proof of competency in a drugless system in order to receive a certificate without an examination, shall not be eligible for a physician's and surgeon's certificate without a complete compliance with all the requirements provided for its issuance. Complete examination required

2292. Applicants for a certificate to practice chiropody under Article 8 shall pass an examination in the following subjects: Chiropodist's examination

(a) Anatomy and histology.

(b) Physiology, chemistry and hygiene.

(c) Pathology and bacteriology.

(d) Dermatology and syphilis.

(e) Orthopedics and surgery.

(f) Chiropody and therapeutics.

2293. Applicants for a certificate to practice midwifery under Article 9 shall pass an examination in the following subjects: Midwife's examination

(a) Anatomy and physiology.

(b) Obstetrics.

(c) Hygiene and sanitation.

Article 11. Reciprocity

Reciprocity
certificate

2310. The board shall issue a reciprocity certificate to an applicant to practice a system or mode of treating the sick or afflicted in this State that he is authorized to practice in any other State if it is a system or mode that is recognized by this chapter or any preceding practice act. Subject to the provisions of Sections 2320 and 2321, no examination for any reciprocity certificate shall be required.

Marking

2311. All certificates issued pursuant to this article shall be marked reciprocity certificate.

Applications

2312. The applicant shall pay the reciprocity fee required by this chapter and shall file a verified application, on a form furnished by the board, containing his full name, and such other general information concerning his past practice or vocation as may be required by the board.

Character
and prior
examination

2313. He shall submit evidence satisfactory to the board that he is of good moral character and that he has not failed in a written examination given by the board for a similar certificate under this chapter or any preceding medical practice act of this State.

Certificates

2314. He shall file a statement of each certificate that has been issued to him by any medical licensing authority to practice a system or mode of treating the sick or afflicted which is recognized by this chapter or any preceding medical practice act.

This statement shall contain the date of each certificate, a description of each of them and, if required by the board, each certificate itself. If a certificate has been lost, a copy may be filed together with proof satisfactory to the board that the copy is a correct one and that the certificate was issued to him without fraud or misrepresentation.

Issued
within 10
years

2315. The certificate, upon which his application is based, shall have been issued to him within a period of 10 years immediately preceding the filing of his application at the office of the board in the City of Sacramento.

Institutions
attended

2316. He shall inform the board on his application form of all institutions from which he has graduated and of all institutions at which he has studied and the period of this study.

The requirements of the college from which he has graduated and the requirements of the medical licensing authority shall not have been at the time his certificate was issued in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in this State at the same time.

Diplomas

2316.5. An applicant for a reciprocity certificate shall prove that a diploma or other evidence of final, successful and entire completion of instruction and training required by a school approved by the board was a condition precedent to his admission to the examination for the license upon which his application for a certificate in this State is based.

(Added by Stats. 1943, Ch. 530.)

Standards

2317. He shall submit evidence of his own and from the medical licensing authority, which is satisfactory to the board and which shows that the requirements of the authority for a certificate permitting him to practice a system or mode of treating the sick and afflicted at the time it was issued, were not in any degree or particular less than those which

were required for the issuance of a similar certificate to practice a system or mode of treating the sick and afflicted in this State at the same time.

2318. An oral examination shall not be deemed to be of equal merit with a written examination and no certificate shall be issued in the case where a written examination was given in California and an applicant was given an oral examination in another State at the same time.

2319. He shall have been a resident of the State issuing the certificate on which his application is based for a period of one year subsequent to its issuance or he may show, by evidence satisfactory to the board, two years of the licensed practice of his profession in another State.

2320. The board may make an independent investigation of the educational qualifications and the character, ability and standing of the applicant.

If, after this investigation and any other or further examination or investigation which the board may see fit to make on its own part, it is found that the requirements of the medical licensing authority issuing his certificate were in any degree or particular less than the requirements provided by the law of this State at the date of the issuance of his certificate, or that the applicant has not complied with one of the alternatives provided by Section 2319, he will not be entitled to practice in this State without examination.

2321. An applicant for a reciprocity certificate, whose application is based on a certificate issued by a medical licensing authority of another State, 10 or more years prior to the date of the filing of his application with the board, shall be required to take an oral examination to be given in accordance with the provisions of Section 2323 and 2324, if the board finds that he has met all the requirements of this article from which he is not expressly excepted.

2322. An applicant, for a reciprocity certificate, whose application is based on a certificate that has been issued 10 or more years prior to the date his application is filed with the board, shall comply with all the provisions of this article except the provisions of Section 2315 and 2320.

2323. The board shall afford him an examination within six months subsequent to the filing of the application. It shall be oral, practical and clinical in nature and full consideration shall be given to the duration and character of the applicant's practice.

2324. If, after the examination referred to in Sections 2321 and 2323, it is determined by a majority vote of the board that the applicant is qualified to practice a system or mode of treating the sick and afflicted in this State and that his reputation and standing in the community in which he has previously practiced are good, he shall be entitled to receive a reciprocity certificate.

2325. Any person granted a reciprocity certificate to practice any system or mode for treating the sick and afflicted recognized by this chapter or any preceding medical practice act which is not of equal scope with the physician's and surgeon's certificate, is not eligible for the physician's and surgeon's certificate without a full and complete compliance with the terms and provisions of Articles 4, 5, 10 and 11 of this chapter.

Oral examinations

Residence

Investigation

Certificates issued 10 or more years

Exceptions

Examinations

nations

Issuance of certificate

Physician's and surgeon's certificate

Chiropody reciprocity

2326. A reciprocity certificate to practice chiropody in this State shall be granted to an applicant from another State only on the same basis on which such other State grants a certificate to practice chiropody to an applicant from this State.

(Added by Stats. 1945, Ch. 673.)

Registration

2340. Every person holding a certificate under the laws of this State authorizing him to practice any system or mode of treating the sick or afflicted in this State shall have it registered in the office of the county clerk of every county in which he is practicing his profession and, upon its being recorded, the holder shall be constituted a duly licensed practitioner in accordance with its provisions. The fact and date of registration shall be indorsed on the certificate by the county clerk registering the same.

Contents of register

2341. Registration shall be made in a register kept by the clerk for this purpose. The register shall be alphabetically arranged and shall show:

- (a) The name of the person to whom the certificate is issued.
- (b) The form of certificate issued to him.
- (c) The scope of practice permitted thereunder.
- (d) The number and date of the certificate.
- (e) The date of its registration.

List of certificates

2342. The county clerk shall keep a complete list of the certificates recorded by him in a book provided for this purpose. The book shall be open to public inspection during his office hours.

Penalty

2343. Any person holding a certificate who shall practice or attempt to practice any system or mode of treating the sick or afflicted in this State, without having first registered his certificate with the county clerk, as required under Section 2340, is guilty of a misdemeanor.

Article 13. Denial, Suspension and Revocation

Denial, suspension, revocation

2360. Every certificate issued may be suspended or revoked. The board shall refuse a certificate to any applicant guilty of unprofessional conduct. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Board to take action

(Amended by Stats. 1945, Ch. 896.)

2361. The board shall take action against any holder of a certificate, who is guilty of unprofessional conduct which has been brought to its attention, or whose certificate has been procured by fraud or misrepresentation or issued by mistake.

Action on reciprocity certificates

2362. The board shall take action against any holder of any reciprocity certificate, whose certificate, upon which his reciprocity certificate was issued, was procured by fraud or misrepresentation or issued by mistake, or who is found to be practicing contrary to the provisions of this chapter.

Revocation by other State

2363. The revocation by another State of a license or certificate by virtue of which one licensed to practice in California has authority to practice in the other State constitutes a ground for the board to take action.

Procedure required

2364. No action shall be taken against the holder of any certificate nor, on the grounds of unprofessional conduct, shall any applicant be refused any

certificate until the board follows the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

(Amended by Stats. 1945, Ch. 896.)

(Sections 2365 to 2371 repealed by Stats. 1945, Ch. 896.)

2372. The board shall discipline the holder of any certificate, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing him upon probation.

(c) Suspending his right to practice for a period not exceeding one year.

(d) Revoking his certificate.

(e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.

2373. If the holder of a certificate is suspended, he shall not be entitled to practice during the term of suspension.

Upon the expiration of the term of suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it is established to the satisfaction of the board that he has practiced in this State during the term of suspension. In this event, the board shall revoke his certificate.

2374. The secretary-treasurer shall enter each case of disciplinary action on his records and shall certify the fact of suspension or revocation under the seal of the board to the county clerk of the county in which the certificate of the person is recorded.

2375. The county clerk shall thereupon write the following upon the margin or across the face of his register of the certificate: "The holder of this certificate was on the _____ day of _____ suspended for _____," or, "The certificate was revoked on the _____ day of _____," as the case may be, giving the day, month and year of such revocation or length of suspension in accordance with the certification to him by the secretary-treasurer.

2376. The record of suspension or revocation made by the county clerk in accordance with Sections 2374 and 2375, is prima facie evidence of the fact thereof and of the regularity of all the proceedings of the board in the matter of the suspension or revocation.

2376.5. A person, whose certificate has been revoked or suspended for more than one year, may petition the board to reinstate the certificate after a period of not less than one year has elapsed from the date of the revocation or suspension.

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from physicians and surgeons licensed by the board to which the petition is addressed and by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence

Entry of action

County clerk's record

Evidence

Petitions for restoration

for any criminal offense, including any period during which he is on probation or parole.

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate was in good standing, and his general reputation for truth, professional ability and good character. The affirmative vote of at least seven-tenths of the members of the board is necessary to set aside a penalty and to restore a certificate with or without terms, conditions and restrictions. The board may grant or deny, without a hearing or argument, any petition filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of two years immediately preceding the filing of such petition.

The secretary-treasurer shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section and he shall certify notices to the proper county clerk. The county clerk shall make such changes on his records as may be necessary.

(Amended by Stats. 1947, Ch. 470.)

2377. The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion constitutes unprofessional conduct within the meaning of this chapter.

2378. The violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter constitutes unprofessional conduct within the meaning of this chapter.

2379. The wilful betraying of a professional secret constitutes unprofessional conduct within the meaning of this chapter.

2380. All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety constitutes unprofessional conduct within the meaning of this chapter.

2380.5. All advertising of the medical business in connection with which the holder of any certificate fails to use his name constitutes unprofessional conduct within the meaning of this chapter.

(Added by Stats. 1941, Ch. 875.)

2381. All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses reestablished, if suppressed, constitutes unprofessional conduct within the meaning of this chapter.

2382. Advertising, announcing or stating directly, indirectly, or in substance, by any sign, card, newspaper, advertisement or other written or printed sign or advertisement, that the holder of any certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual dis-

Criminal abortions

Violations

Professional secrets

Advertising

order or any disease of the sexual organs, or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing or stating constitutes unprofessional conduct within the meaning of this chapter.

2383. The conviction of a felony or of any offense involving moral turpitude constitutes unprofessional conduct within the meaning of this chapter. The record of the conviction is conclusive evidence of such unprofessional conduct. Conviction of crimes

2384. The conviction of or cash compromise of a charge of violation of the Harrison Act regulating narcotics, or the conviction of a violation of the statutes of this State, regulating narcotics, or dangerous drugs, constitutes unprofessional conduct within the meaning of this chapter. The record of the conviction or compromise is conclusive evidence of such unprofessional conduct.

(Amended by Stats. 1947, Ch. 1157.)

2385. The adjudication of insanity by a superior court constitutes unprofessional conduct within the meaning of this chapter. The record of the adjudication, judgment or order of commitment is conclusive evidence of such unprofessional conduct. But one whose certificate has been revoked for this cause may apply to the board for a reinstatement of his certificate upon restoration to or declaration of sanity.

2386. The purchase, sale or barter, or offering to purchase, sell or barter any medical degree, or any degree, diploma, certificate or transcript made or purporting to be made, pursuant to any laws regulating the license and registration of physicians under this chapter, or any preceding medical practice act, or the altering with fraudulent intent, in any material regard, a diploma, certificate or transcript, or the use of any diploma, certificate or transcript that has been purchased, fraudulently issued, counterfeited or materially altered constitutes unprofessional conduct within the meaning of this chapter. Purchase and sale of degrees

2387. The procuring by fraud or misrepresentation of any certificate provided for in this chapter or any preceding medical practice act constitutes unprofessional conduct within the meaning of this chapter. Frauds

2388. The impersonation of any applicant or acting as proxy for any applicant in any examination required under this chapter for a certificate constitutes unprofessional conduct within the meaning of this chapter. Impersonations

2389. The impersonation of another licensed practitioner or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted constitutes unprofessional conduct within the meaning of this chapter.

2390. The use or prescribing for or administering to himself, of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances; or the use of paraldehyde or barbituric acid, their salts, compounds or derivatives, or of any narcotic or dangerous drug regulated by the statutes of this State, or of alcoholic beverages to the extent, or in such manner as to be dangerous or injurious to a person holding a certificate under this chapter, or to any other person Intemperance, use of narcotics

or to the public, or to the extent that such use impairs the ability of such person so holding such a certificate to conduct with safety to the public the practice authorized by such certificate or the conviction of more than one misdemeanor or any felony involving the use, consumption or self administration of any of the substances referred to in this section or any combination thereof, constitutes unprofessional conduct within the meaning of this chapter.

(Amended by Stats. 1947, Ch. 308.)

Narcotics 2391. Unless otherwise provided by this section, the prescribing, selling, furnishing, giving away or administering or offering to prescribe, sell, furnish, give away or administer any of the drugs or compounds mentioned in Section 2390 to a habitue or addict constitutes unprofessional conduct within the meaning of this chapter.

If the drugs or compounds are administered or applied by a licensed physician and surgeon of this State or by a registered nurse acting under his instructions and supervision, this section shall not apply to any of the following cases:

(a) Emergency treatment of a patient whose addiction is complicated by the presence of incurable disease, serious accident or injury, or the infirmities attendant upon age.

(b) Treatment of habitues or addicts in institutions approved by the board where the patient is kept under restraint and control, or in city or county jails or State prisons.

Violations 2391.5. The violation of any of the statutes of this State regulating narcotics and dangerous drugs, constitutes unprofessional conduct within the meaning of this chapter.

(Added by Stats. 1947, Ch. 309.)

Employees 2392. The employing, directly or indirectly, of any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted or the aiding or abetting of any unlicensed person to practice any system or mode of treating the sick or afflicted constitutes unprofessional conduct within the meaning of this chapter.

Names 2393. The use of any fictitious name, or any name other than his own, by the holder of any certificate in any sign or advertisement in connection with his practice or in any advertisement or announcement of his practice constitutes unprofessional conduct within the meaning of this chapter.

Drugs or medical preparations, etc. 2394. The use of drugs or what are known as medicinal preparations by the holder of a drugless practitioner's certificate in or upon any human being or the severing or penetrating of the tissues of any human being by the holder of a drugless practitioner's certificate in the treatment of any disease, injury, or deformity, or other physical or mental condition of the human being, except the severing of the umbilical cord, constitutes unprofessional conduct within the meaning of this chapter.

Titles 2395. The use by the holder of any certificate of any letter, letters, word, words, or term or terms either as prefix, affix or suffix indicating that he is entitled to practice a system or mode of treating the sick or afflicted for which he is not licensed in this State constitutes unprofessional conduct within the meaning of this chapter.

2396. Unless the holder of any certificate provided for in this chapter or any preceding medical practice act has been granted the degree of doctor of medicine after the completion of a full course of study as prescribed by an approved medical school in accordance with the provisions of this chapter, or any preceding medical practice act, the use of the term or suffix "M.D." constitutes unprofessional conduct within the meaning of this chapter.

2397. Unless the holder of any certificate provided for in this chapter or in any preceding medical practice act has been granted the degree of doctor of osteopathy after the completion of a full course of study as prescribed by an approved osteopathic school in accordance with the provisions of this chapter or any preceding medical practice act, the use of the term or suffix "D.O." constitutes unprofessional conduct within the meaning of this chapter.

2398. Unless the holder of any certificate issued under the provisions of this chapter or any preceding medical practice act of this State has been granted the degree of doctor of surgical chiropody after the completion of a full course of study as prescribed by an approved school of chiropody in accordance with the provisions of this chapter or any preceding medical practice act, the use of the term or suffix "D.S.C." constitutes unprofessional conduct within the meaning of this chapter.

2399. The employment of "cappers" or "steerers" Cappers and steerers or other persons in procuring practice for a practitioner of a system or mode of treating the sick or afflicted provided for in this chapter constitutes unprofessional conduct within the meaning of this chapter.

2400. The certificate to practice midwifery may be revoked if it appears to the satisfaction of the board that due caution and circumspection were not used or that proper aseptic and antiseptic precautions were not taken in any case that the holder of this form of certificate may have treated. Midwives: Care and caution

2401. The certificate to practice midwifery may be revoked upon conviction for the violation of any health statute, order or ordinance, or for the neglect or refusal to comply with the health rules and regulations of any State, county, city or township. Violation of laws

2402. The certificate to practice midwifery may be revoked for the treatment of a complicated vertex presentation by the holder of this form of certificate in any case of labor in which this condition occurs without calling or attempting to call a person authorized to practice a system, including the practice of obstetrics, under this chapter or any preceding medical practice act. Treatment

2403. The certificate to practice midwifery may be revoked for failure to refer to a person authorized under this chapter or any preceding medical practice act to practice a system including obstetrics, a case which has or develops any of the following conditions during pregnancy: Conditions during pregnancy

- (a) Contracted pelvis or other deformity that will interfere with labor.
- (b) Bleeding from the uterus.
- (c) Swelling of the face and hands.
- (d) Excessive vomiting.
- (e) Persistent headache.
- (f) Dimness of vision.
- (g) Convulsions.

Conditions
during labor

2404. The certificate to practice midwifery may be revoked for failure to call or summon a physician if any of the following conditions exist or develop at the beginning of or during labor:

- (a) Complicated presentation of a vertex (head).
- (b) Convulsions.
- (c) Excessive bleeding.
- (d) Prolapse of the cord.
- (e) A swelling or tumor that obstructs the birth of the child.
- (f) Signs of exhaustion or of collapse.
- (g) Unduly prolonged labor.

2405. The certificate to practice midwifery may be revoked for failure to refer to a person authorized under this chapter or any preceding medical practice act to practice a system including obstetrics, a case which develops any of the following conditions during the lying-in period:

- (a) Convulsions.
- (b) Excessive bleeding.
- (c) Foul smelling discharge (lochia).
- (d) Persistent rise of temperature to 101 degrees Fahrenheit for 24 hours.
- (e) Swelling and redness of the breasts.
- (f) Severe chill (rigor) with rise of temperature.
- (g) Inability to nurse the child.

2406. The certificate to practice midwifery may be revoked for failure to refer to a person authorized under this chapter or any preceding medical practice act to practice a system including obstetrics, a case where the child has or develops any of the following conditions:

- (a) Deformities or malformations or injuries.
- (b) Inability to suckle or nurse.
- (c) Inflammation around or discharge from the navel.
- (d) Swelling and redness of the eyelids with a discharge of pus from the eyes (ophthalmia neonatorum).
- (e) Bleeding from the mouth, navel or bowels.
- (f) Inability to urinate.

2407. The certificate to practice midwifery may be revoked for the treatment by the holder of this form of certificate that is known as the introduction of the hand into the vagina or uterus to remove placenta or membranes.

2408. The certificate to practice midwifery may be revoked for the failure to have the following equipment in each case:

Nail brush; wooden or bone nail cleaner; jar of green or soft castile soap; rubber gloves; tube of sterile vaseline; clinical thermometer; agate or glass douche reservoir; two rounded vaginal douche nozzles; two rectal nozzles, large and small; one soft rubber catheter; blunt scissors for cutting cord; either lysol, carbolic acid or bichloride of mercury tablets; boric acid powder; 1 per cent solution of nitrate of silver; medicine dropper; narrow tape or soft twine for tying cord; and absorbent cotton (preferably in one-quarter pound packages). No other instruments are to be used by a holder of this form of certificate.

2409. Unless a person licensed and authorized under this chapter or any preceding medical practice act to use the title "doctor" or the letters or prefix "Dr.," holds a physician's and surgeon's certificate,

Conditions
of child

Treatment

Equipment

Title
"Doctor"

the use of this title or these letters or prefix without further indicating the type of certificate he holds, constitutes unprofessional conduct within the meaning of this chapter.

(Added by Stats. 1939, Ch. 343.)

2410. It constitutes unprofessional conduct within the meaning of this chapter for any person holding a certificate to practice chiropody, to advertise the rendition of chiropodical services at a stipulated price, or at any variation of such a price, or as being free.

(Added by Stats. 1941, Ch. 121.)

2411. Knowingly making or signing any certificate or other document required by law, which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct within the meaning of this chapter.

(Added by Stats. 1939, Ch. 342.)

Article 14. Crimes and Penalties

2425. The provisions of Article 4 of Chapter 1 in Division 2 of this code, relating to frauds of medical records, are not affected by the provisions of this article and, so far as any act is a crime within their scope, they control over the provisions of this article.

2426. Unless it is otherwise expressly provided, any person, who violates any provision of this chapter, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) nor more than six hundred dollars (\$600) or by imprisonment for a term of not less than 60 days nor more than 180 days or by both such fine and imprisonment.

2427. Any person is guilty of a misdemeanor who, individually or in a representative or any other capacity, sells or barters or offers to sell or barter any certificate authorized to be granted under this chapter or any diploma, affidavit, transcript, certificate or any other evidence required in this chapter for use in connection with the granting of certificates or diplomas or who purchases or procures the same either directly or indirectly with intent that the same will be fraudulently used.

2428. Any person is guilty of a misdemeanor who, individually or in a representative or any other capacity, alters, with fraudulent intent, any diploma, certificate, transcript, affidavit or any other evidence to be used in obtaining a diploma or certificate required under this chapter or who uses or attempts to use fraudulently any certificate, transcript, affidavit or diploma, whether the same is genuine or false.

2429. Any person is guilty of a misdemeanor who, individually or in a representative or any other capacity, practices or attempts to practice any system or treatment of the sick or afflicted under a false or assumed name or under any name other than that prescribed by the board on its certificate issued to such person authorizing him to administer such treatment.

2430. Any person is guilty of a misdemeanor who, individually or in a representative or any other capacity, assumes any degree or title not conferred upon him in the manner and by the authority recognized in this chapter with intent to represent

False certificates

Frauds of medical records

Sale of certificates, etc.

Alteration of certificate, etc.

Practice under false name

False statement

falsely that he has received such degree or title or who, individually or in a representative or any other capacity, wilfully makes any false statement on any application for examination, license or registration under this chapter.

2431. Any person is guilty of a misdemeanor who, individually or in a representative or any other capacity, engages in the treatment of the sick or afflicted without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each and every person who is associated with or employed by him in the practice of medicine and surgery or other treatment of the sick or afflicted.

2432. Any person is guilty of a misdemeanor who, individually or in a representative or any other capacity, fails to furnish the board with the information required by this section within 10 days after a demand for it has been made by the secretary-treasurer, on behalf of the board.

This information shall consist of the name and address of all persons associated with or employed by him or by any company or association with which he is or has been connected at any time within 60 days prior to the demand, together with a sworn statement showing under and by what license or authority the person or persons, or the employee or employees is or are, or has or have been practicing medicine or surgery, or any other system of treatment of the sick or afflicted.

Any person upon whom the board makes a demand for the information shall make an affidavit that there are no person or persons associated or employed by him, if this is the fact. The affidavit shall not be used as evidence against the person or employee in any proceedings under this section.

2433. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in or entitled to the certificate, is guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this State for the crime of forgery.

2434. Any person not a member of the board who signs or issues or causes to be signed or issued, any certificate authorized by this chapter, is guilty of a misdemeanor.

2435. Every physician who, in a state of intoxication, does any act as such physician to another person by which the life of such other person is endangered, is guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in the Penal Code.

Article 15. Revenue

2450. To comply with the provisions of this chapter relating to the compilation, publication and sale of a directory, in addition to the fee required for the filing of any application and the issuance of any certificates, each person granted a certificate under the provisions of this chapter, or any preceding medical practice act, by the Board of Medical Examiners, shall pay an annual tax and registration fee to the secretary-treasurer on or before the first day of January of each year, except that a person who is issued a certificate within 30 days

Display of names

Information

Filing certificates

Issuance of certificates

Intoxication

Annual fee

of the end of the calendar year is exempt from the payment of the annual tax and registration fee for the year for which such certificate is issued.

(Amended by Stats. 1947, Ch. 290.)

2451. Receipt or acknowledgment of payment of the annual tax and registration fee by the secretary-treasurer shall be evidence that the holder and possessor of the certificate is entitled to practice the particular system for which it was granted to him for a period of one year from the first day of January.

2452. The failure of any person holding a certificate to practice a system or mode of treating the sick or afflicted under this chapter or any preceding medical practice act, to pay the annual tax and registration fee during the time his certificate remains in force shall, *ipso facto*, work a forfeiture of his certificate after a period of 60 days from the first day of January of each year.

It shall not be restored except upon written application and the payment of the delinquent fee required by this chapter. But no examination shall be required for the reissuance of a certificate that was forfeited under the provisions of this section.

(Amended by Stats. 1947, Ch. 390.)

2453. Notwithstanding the possession by any certificate holder of a receipt or acknowledgment of payment, the certificate issued to him to practice any system or mode of treating the sick or afflicted recognized by this chapter or any preceding medical practice act may, at any time, be forfeited or revoked for a violation of the other provisions and requirements of this chapter.

2454. The receipts of the annual tax and registration fee collected by the Board of Medical Examiners shall be paid into the Contingent Fund of the Board of Medical Examiners of California.

Disposition
of annual tax
and registration
fee

If there is any surplus in these receipts after the expenses of issuing the directories have been paid, the board may apply the surplus to any of the other expenses incurred by it under the provisions of this chapter.

2454.5. The board may charge one-half cent ($\frac{1}{2}\text{¢}$) per name for the use of its facilities by persons who are or are not licensed under this chapter to address materials which are to be sent to persons licensed under this chapter.

(Added by Stats. 1941, Ch. 221.)

2455. Unless otherwise expressly provided in this chapter, 75 per cent of the fines imposed or forfeitures of bail collected shall be paid upon the collection by the proper officer of the court to the Board of Medical Examiners.

The payment to the board shall be made without placing the fine or forfeiture of bail in any special, contingent or general fund in any county, city or township.

The balance of 25 per cent of the fines or forfeitures of bail shall be paid to the county where the case is pending.

2455.3. Upon filing application therefor, containing such information as the board may require, and the payment of the certificate fee, the board may issue to any person licensed under this chapter a duplicate certificate for one previously issued or,

where there has been a change in name, another certificate in lieu of one previously issued.

(Added by Stats. 1941, Ch. 219.)

2455.6. Upon filing application therefor and the payment of the indorsement fee, the board may indorse or certify the credentials of a person licensed under this chapter.

(Added by Stats. 1941, Ch. 219.)

2456. All fees earned by the board and all fines and forfeitures of bail to which the board is entitled shall be reported at the beginning of each month, for the month preceding, to the State Controller. At the same time the entire amount of these collections shall be paid into the State Treasury and shall be credited to the Contingent Fund of the Board of Medical Examiners.

This contingent Fund shall be for the uses of the board and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter.

2457. The board shall refund any taxes, penalties or fees collected illegally, by mistake, inadvertence or error. The board may expend out of its contingent fund whatever sum may be necessary to carry out the provisions of this section. The State Treasurer and all other officials having custody of the funds of the board shall upon request or direction of the board pay out the refunds or approve the payments from the contingent fund.

2457.5. Every person licensed under this chapter is exempt from the payment of the annual tax and registration fee in any one of the following instances:

(a) While engaged in full time active service in the medical corps of the Army, Navy or Marines or in the United States Public Health Service.

(b) While fulfilling his full time period of training and active service, whether as a draftee or volunteer, under the Selective Training and Service Act of 1940 and any amendments or additions thereto or acts supplementary thereof.

Every person exempted from the payment of the annual tax and registration fee by this section shall not engage in any private practice and shall become liable for such tax and fee upon the completion of his period of full time active service and shall have a period of 60 days after becoming liable within which to pay the tax and fee before the delinquent fee becomes applicable. Any person who completes his period of full time active service within 60 days of the end of the calendar year is exempt from the payment of the tax and fee for that year.

(Added by Stats. 1941, Ch. 21.)

2458. The amount of fees and refunds prescribed by this chapter in connection with the certificates issued under its provisions is that fixed by the following schedule:

(a) The fee for each applicant for a certificate by written examination, unless otherwise provided in this chapter, is twenty-five dollars (\$25). If the applicant's credentials are insufficient or if he does not desire to take the examination, the sum of ten dollars (\$10) shall be retained and the remainder of the fee is returnable on application.

(b) An applicant for a certificate based upon a national board diplomate certificate shall pay an application fee in the sum of ten dollars (\$10) at

the time his application is filed. If an applicant qualifies for a certificate, he shall be notified and shall pay the sum of ninety dollars (\$90) for the issuance of a certificate.

(e) An applicant for a certificate under Article 6 shall pay an application fee in the sum of ten dollars (\$10) at the time his application is filed. If an applicant qualifies for a certificate, he shall be notified and shall pay the sum of forty dollars (\$40) for the issuance of a certificate.

(d) An applicant for a reciprocity certificate shall pay an application fee in the sum of ten dollars (\$10) at the time his application is filed. If an applicant qualifies for a certificate, he shall be notified and shall pay the sum of ninety dollars (\$90) for the issuance of the certificate.

(e) The annual tax and registration fee is two dollars (\$2).

(f) The delinquent fee for failure to pay the annual tax and registration fee is ten dollars (\$10).

(g) The duplicate certificate fee is two dollars (\$2).

(h) The endorsement fee is five dollars (\$5).

(i) The fee for issuance of a duplicate certificate upon a change of name authorized by law of a person holding a certificate under this chapter shall be two dollars (\$2).

(Amended by Stats. 1947, Ch. 299.)

CHAPTER 5.5. REGISTERED DISPENSING OPTICIANS

Article 1. General Provisions

2550. Individuals and firms filling prescriptions of physicians and surgeons licensed by the Board of Medical Examiners for ophthalmic lenses and kindred products, and, as incidental to the filling of such prescriptions, taking facial measurements and fitting and adjusting lenses or frames, shall be known as dispensing opticians and shall not engage in such business unless registered with the Board of Medical Examiners.

2551. Individuals and firms engaged in such business on the effective date of this act shall apply for such registration within 90 days from the effective date hereof. Thereafter, before engaging in such business application shall be made for registration. Application for such registration shall be on forms prescribed by the board, shall bear the signature of the individual, or individuals if a copartnership, or the president or secretary if a corporation, and shall contain the name under which he, they or it proposes to do business and the business address. Separate applications shall be made for each place of business and each application must be accompanied by a *registration fee* of fifty dollars (\$50). Upon refusal or denial of a certificate upon such application the board shall refund to the applicant thirty-five dollars (\$35) of the application fee.

(Amended 1941, Chap. 521.)

2552. Each application, to enable the board to determine if applicant is entitled to be registered under this chapter, shall be verified under oath by the person or persons required to sign the application and shall contain the matters referred to in (a) hereof and be accompanied by the affidavits referred to in (b) :

(a) The name, address and time, place and extent of the previous experience of each person signing the application and likewise of the person or persons who will have charge of or manage applicant's general dispensing operations, and of each person having any proprietary interest in applicant who will engage in dispensing operations. The person or persons who will be in charge of or who will manage applicant's general dispensing operations and each person having any proprietary interest in applicant who will engage in dispensing operations shall have at least five (5) full years of actual experience in taking facial measurements and fitting and adjusting lenses or frames in an establishment or establishments of a dispensing optician registered under this chapter or of a dispensing optician engaged in dispensing prior to the enactment of this chapter and thereafter registered, or who has been licensed as a dispensing optician for a period of five years in another state.

(b) The sworn affidavits, in a form prescribed by the board, of three (3) physicians and surgeons licensed by the Board of Medical Examiners who specialize in the treatment of eyes, stating and certifying according to their own knowledge, that each person referred to in (a) has the required experience, is of good moral character, and that applicant and each such person is fully competent and qualified to accurately fill prescriptions for ophthalmic lenses and kindred products and to take facial measurements and to fit and adjust lenses or frames.

Applicant shall furnish such additional information or proof, oral or written, with respect to the competency, qualifications and moral integrity of applicant and each of the foregoing persons which the board may request.

The board in considering any application for a renewal of a certificate may in its discretion require from applicant the same information and proof with respect to any or all of the foregoing matters.

(Amended by Stats. 1947, Ch. 580.)

2553. If the board, after investigation, approves such application and finds the applicant to be competent and qualified to engage in the business of dispensing optician it shall register such applicant and issue to the applicant a certificate of dispensing optician. If the board does not so determine it shall deny the application. A separate certificate of registration shall be required for each address where the business is to be conducted. Such certificate authorizes the applicant, its agents and employees acting therefor without further license, to engage in the business defined in Section 2550 of this code. Such certificate of registered dispensing optician shall be at all times displayed in a conspicuous place at the place of business licensed. Such certificate shall not be transferable, but on application to the Board of Medical Examiners and the payment of a fee of fifteen dollars (\$15) there may be registered a change of address of such certificate.

(Amended 1941, Chap. 521.)

2553.5. No individual, firm or corporation shall engage in the business of dispensing optician who is engaged in the manufacture or wholesale distribution to dispensing opticians or optometrists of lenses, frames, optical supplies, optometric appliances or

devices or kindred products. A certificate of registration shall not be issued to any such individual, firm or corporation. The provisions of this section shall not apply to any individual, firm, or corporation engaged in such manufacture or wholesale distribution and also engaged in the business of dispensing optician at the time this chapter becomes effective, except that any certificate of registration that may be issued to such individual, firm or corporation, and any and all renewals thereof shall expire on December 31, 1942, and shall not be renewed thereafter.

The grinding and edging of lenses or the assembling of frames or parts thereof or the insertion of or mounting of lenses in frames shall not be construed as "manufacture" within the meaning of this section.

2554. Certificates issued under this chapter shall be valid, unless sooner suspended or revoked, for the current year in which issued and shall expire on December 31st of such year. Certificates shall be renewable upon application for renewal being made prior to January 15th of each year and the payment of a *renewal fee of twenty-five dollars* (\$25). If application for renewal is not made by January 15th an additional fee of fifteen dollars (\$15) shall be paid on account of delinquency in renewal, but any such application for renewal must be made prior to February 15th of each year otherwise the right to do business under the provisions of this chapter is forfeited. All fees collected under this chapter shall be paid into the contingent fund of the Board of Medical Examiners. The Board of Medical Examiners may employ, subject to civil service regulations, whatever additional clerical assistance is necessary for the administration of this chapter. All expenses incident to the operation of this chapter shall be paid from the revenue derived therefrom and no part of such expenses shall be a charge against the funds derived in connection with the functions of the Board of Medical Examiners other than that provided in this chapter.

2555. Certificates issued hereunder may in the discretion of the Board of Medical Examiners be suspended or revoked for incompetence in filling prescriptions or any violations of the provisions of this chapter. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(Amended by Stats. 1945, Ch. 896.)

2556. It is unlawful to do any of the following: To advertise at a stipulated price or any variation of such a price or as being free, the furnishing of a lens, lenses, glasses or the frames and fittings thereof; to advertise any examination or treatment of the eyes in connection with the sale of eyeglasses, spectacles, or the parts thereof; to insert any statement in any advertising in connection with the business of dispensing optician which is false or tends to mislead the public; to make use of any advertising statement of a character tending to indicate to the public any superiority of any particular system or type of eyesight examination or treatment over that provided by other licensed ocular practitioners; to advertise the furnishing of, or to furnish the services of a

refractionist, an optometrist, a physician and surgeon; to directly or indirectly, employ or maintain on or near the premises used for optical dispensing, a refractionist, an optometrist, a physician and surgeon, or a practitioner of any other profession for the purpose of any examination or treatment of the eyes; or to duplicate or change lenses without a prescription or order from a person duly licensed to issue the same.

2557. This chapter shall not affect any person licensed as an optometrist under Chapter 7 of Division 2 of this code, or any physician and surgeon licensed under Chapter 5 of Division 2 of this code. Such exemption shall not apply to any optometrist or physician and surgeon exclusively engaged in the business of filling prescriptions for physicians and surgeons. This chapter does not prohibit the sale of goggles, sun glasses, colored glasses, or occupational protective eye devices if they do not have refractive values nor do the provisions of this chapter prohibit the sale of complete ready-to-wear eyeglasses as merchandise.

2558. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not less than 10 days nor more than one year, or by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by both such fine and imprisonment.

The Board of Medical Examiners has full power and authority to adopt rules and regulations to carry out the provisions of this chapter.

SEC. 2. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Administrative Procedure Act

(Gov. Code, Title 2, Div. 3, Part 1, Chaps. 4 and 5)

CHAPTER 4. RULES AND REGULATIONS

Article 1. General

11370. Chapter 4 and Chapter 5 of this part of *Short title* the Government Code constitute, and may be cited as, the Administrative Procedure Act.

(Added by Stats. 1947, Ch. 1425.)

11371. In this chapter unless otherwise specified. *Definitions* *cally indicated:*

(a) "State agency" does not include an agency in the judicial or legislative departments of the State Government.

(b) "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement or revision of any such rule, regulation, order or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure, except one which relates only to the organization or internal management of the state agency.

(c) "Order of repeal" means any resolution, order or other official act of a state agency which expressly repeals a regulation in whole or in part.

(Added by Stats. 1947, Ch. 1425.)

11372. "Department" as used in this chapter means the Department of Professional and Vocational Standards, acting through the Division of *Administrative Procedure* *Division of Administrative Procedure* Administrative Procedure.

(Added by Stats. 1947, Ch. 1425.)

11373. Except as provided in Section 11409, *Proviso* nothing in this chapter confers authority upon or augments the authority of any state agency to adopt, administer, or enforce any regulation. Each regulation adopted, to be effective, must be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.

(Added by Stats. 1947, Ch. 1425.)

Article 2. Filing and Publication

11380. Every state agency shall:

Filing

(a) File with the Secretary of State a certified copy of every regulation adopted by it except one which:

(1) Establishes or fixes rates or tariffs.

(2) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such order is indicated to the public by means of signs or signals.

(3) Is directed to a specifically named person or to a group of persons and does not apply generally throughout the State.

(b) File with the Secretary of State a certified copy of every order of repeal of a regulation required to be filed under subdivision (a) of this section.

(c) Deliver to the Secretary of State at the time of filing a regulation or order of repeal two duplicate copies of the regulation or order of repeal together with a citation of the authority pursuant to which it or any part thereof was adopted.

(Added by Stats. 1947, Ch. 1425.)

Fees

11381. No fee shall be charged by any state officer or public official for the performance of any official act in connection with the certification or filing of regulations pursuant to this article.

(Added by Stats. 1947, Ch. 1425.)

Endorsement by Secretary of State

11382. The Secretary of State shall endorse on each copy of each regulation or order of repeal filed with or delivered to him, the time and date of filing and shall maintain a file of the certified copies of regulations and orders of repeal for public inspection. The duplicate copies of every regulation or order of repeal delivered to the Secretary of State shall be immediately transmitted to the department.

(Amended by Stats. 1947, Ch. 1425.)

Filing with county clerks

11382.5. Within 10 days from the receipt of endorsed copies of a regulation or an order of repeal from the Secretary of State, the department shall file one copy of the regulation or the order in the office of the county clerk of each county in this State.

For this purpose the department may cause additional copies or reproductions of each regulation or order of repeal to be made, the cost thereof to be determined by the Director of Finance and paid by the state agency which filed the regulation or order of repeal in the manner prescribed in Section 11413.

(Added by Stats. 1947, Ch. 1425.)

11383. The filing of a regulation or an order of repeal with the Secretary of State raises the rebuttable presumptions that:

(a) It was duly adopted.

(b) It was duly filed and made available for public inspection at the day and hour endorsed on it.

(c) All requirements of this chapter and the regulations of the department relative to such regulation have been complied with.

The courts shall take judicial notice of the contents of each regulation and of each order of repeal duly filed.

(Amended by Stats. 1947, Ch. 1425.)

11384. The publication of a regulation in the California Administrative Code or Register raises a rebuttable presumption that the text of the regulation as so published is the text of the regulation adopted.

The courts shall take judicial notice of the contents of each regulation or notice of the repeal of a regulation printed in the California Administrative Code or California Administrative Register.

(Amended by Stats. 1947, Chs. 1175 and 1425.)

11385. With the approval of the department any state agency may file with the Secretary of State and the department may publish in such manner as it believes proper any regulation or order of repeal of a regulation not required by this article to be filed with the Secretary of State.

(Amended by Stats. 1947, Chs. 1175 and 1425.)

Article 3. The California Administrative Register and Code

11409. The department shall:

(a) Provide for the continuing compilation, codification and publication, with periodic supplements, of all regulations required to be filed with the Secretary of State, or of appropriate references to any regulations the printing of which the department finds to be impractical, such as detailed schedules or forms

Voluntary filing and publication

Codification and publication

otherwise available to the public, or which are of limited or particular application.

The publication of compiled regulations shall be known as the "California Administrative Code," and the periodic supplements thereto shall be known as the "California Administrative Register."

(b) Prescribe regulations for carrying out the provisions of Articles 2 and 3 of this chapter. Among other things the regulations shall provide for the manner and form in which regulations, notice of the repeal of regulations, compilations, and codifications shall be prepared, printed, and indexed, to the end that all regulations, compilations, and codifications shall be prepared and published in a uniform manner and at the earliest practicable date and that each regulation published shall be accompanied by a reference to the statutory authority pursuant to which it was enacted.

(Added by Stats. 1947, Ch. 1175; amended by Stats. 1947, Ch. 1425.)

11409.5. The department shall supply the county clerk of each county with a complete set of the California Administrative Code, and of the California Administrative Register, which have been or are published and of each supplement to such code or register.

County
clerks to
receive code
and register

(Added by Stats. 1947, Ch. 1425.)

11410. The California Administrative Register and the California Administrative Code shall be sold by the Department of Finance at such prices as will reimburse the State for all costs incurred for printing, publication and distribution.

Price at
which sold

All money received from the sale of the California Administrative Register and the California Administrative Code shall be deposited in the treasury and credited to the General Fund, except that an amount necessary to cover the distribution costs shall be credited to the fund from which such costs have been paid.

(Amended by Stats. 1947, Ch. 1175.)

11411. The publication date shall be determined by the department, and all rules and regulations thereafter filed and all rules and regulations theretofore filed and in effect on the publication date shall be published.

Publication
date

(Amended by Stats. 1947, Chs. 1175 and 1425.)

11412. Nothing in this chapter limits or restricts the discretion of the department to determine the form in which the California Administrative Code, and the California Administrative Register shall be published. Either or both of said publications may be issued in such units, whether in bound volumes or in loose-leaf form, separately or in combination, at the same or at different times, as the department deems most economical and best adapted to make the current regulations available to interested persons and to the public.

Form of
publication

(Amended by Stats. 1947, Chs. 1175 and 1425.)

11413. The amounts expended by the department in compiling, codifying, indexing, printing, and publishing regulations are "administrative costs" as defined in Article 2, Chapter 3, Part 1, Division 3, Title 2 of this code, and shall be charged and paid to the credit of the General Fund at the time or times and in the manner provided in said Article 2.

Recovery of
codification
cost

(Amended by Stats. 1947, Ch. 1175.)

Special editions

11414. Nothing in this chapter precludes any state agency from purchasing copies of the California Administrative Code or of the California Administrative Register, or of any unit of either, nor from printing special editions of any such units, subject to the approval of the Director of Finance as to the terms and conditions thereof, and to distribute the same at the cost or at less than the cost to the agency if it is authorized so to do by other provisions of law.

(Added by Stats. 1945, Ch. 1356.)

Format to be adhered to

11415. After the regulations of a state agency have been published by the department, any subsequent printings or reprinting of those regulations shall be printed in the format (including the numbering system) prescribed by the department, unless the state agency obtains permission from the Department of Finance to print otherwise.

(Amended by Stats. 1947, Chs. 1175 and 1425.)

Purpose of article

Article 4. Procedure for Adoption of Regulations

11420. It is the purpose of this article to establish basic minimum procedural requirements for the adoption, amendment or repeal of administrative regulations. Except as provided in Section 11421, the provisions of this article are applicable to the exercise of any quasi-legislative power conferred by any statute heretofore or hereafter enacted, but nothing in this article repeals or diminishes additional requirements imposed by any such statute. The provisions of this article shall not be superseded or modified by any subsequent legislation except to the extent that such legislation shall do so expressly.

(Added by Stats. 1947, Ch. 1425.)

Emergency regulations

11421. (a) The provisions of this article shall not apply to an emergency regulation adopted pursuant to subdivision (b) of this section.

(b) If in any particular case the state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare and that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal.

(Added by Stats. 1947, Ch. 1425.)

Effective date

11422. A regulation or an order of repeal required to be filed with the Secretary of State shall become effective on the thirtieth day after the date of filing unless :

(a) Otherwise specifically provided by the statute pursuant to which the regulation or order of repeal was adopted, in which event it becomes effective on the day prescribed by such statute.

(b) It is an emergency regulation or order of repeal adopted pursuant to subdivision (b) of Section 11421, in which case the statement shall be filed with the Secretary of State together with the emergency regulation or order of repeal, which shall, in that event only, become effective upon filing or upon any later date specified in the regulation or order of repeal.

(c) A later date is prescribed by the state agency in the regulation or order of repeal.

(Added by Stats. 1947, Ch. 1425.)

11423. At least 30 days prior to the adoption, repeal or rescission of a regulation, notice of the proposed action shall be:

Notice of proposed action

(a) Published in such newspaper of general circulation, trade or industry publication, as the state agency shall prescribe.

(b) Mailed to every person who has filed a request for notice thereof with the state agency.

(c) In cases in which the state agency is within a state department, mailed or delivered to the director of such department.

(d) When appropriate in the judgment of the state agency, (1) mailed to any person or group of persons whom the agency believes to be interested in the proposed action and, (2) published in such additional form and manner as the state agency shall prescribe.

Where the form or manner of notice is prescribed by statute in any particular case, in addition to filing and mailing notice as required herein, the notice shall be published, posted, mailed, filed or otherwise publicized as prescribed by that statute.

The failure to mail notice to any person as provided in this section shall not invalidate any action taken by a state agency pursuant to this article.

(Added by Stats. 1947, Ch. 1425.)

11424. The notice of proposed adoption, repeal or rescission of a regulation shall include:

Contents of notice

(a) A statement of the time, place and nature of the proceedings for adoption, repeal or rescission of the regulation;

(b) Reference to the authority under which the regulation is proposed;

(c) Either the express terms or an informative summary of the proposed regulation;

(d) Such other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

(Added by Stats. 1947, Ch. 1425.)

11425. On the date and at the time and place designated in the notice the state agency shall afford any interested person or his duly authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing, with or without opportunity to present the same orally. The state agency shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.

Public proceedings

In any hearing under this section the state agency or its duly authorized representative shall have authority to administer oaths or affirmations, and may continue or postpone such hearing from time to time to such time and at such place as it shall determine.

(Added by Stats. 1947, Ch. 1425.)

11426. Except where the right to petition for adoption of a regulation is restricted by statute to a designated group or where the form of procedure for such a petition is otherwise prescribed by statute, any interested person may petition a state agency requesting the adoption or repeal of a regulation as provided in this article. Such petition shall state clearly and concisely:

Right to petition

(a) The substance or nature of the regulation, amendment, or rescission requested;

(b) The reasons for the request; *1/425*

(c) Reference to the authority of the state agency to take the action requested.

(Added by Stats. 1947, Ch. 1425.)

11427. Upon receipt of a petition requesting the adoption, amendment or repeal of a regulation pursuant to this article, a state agency shall within 30 days deny the petition in writing or schedule the matter for public hearing pursuant to Sections 11423, 11424, and 11425 of this article.

(Added by Stats. 1947, Ch. 1425.)

Article 5. Judicial Review

11440. Any interested person may obtain a judicial declaration as to the validity of any regulation by bringing an action for declaratory relief in the superior court in accordance with the provisions of the Code of Civil Procedure and, in addition to any other ground which may exist, such regulation may be declared to be invalid for a substantial failure to comply with the provisions of this chapter or, in the case of an emergency regulation or order of repeal, upon the ground that the findings and statement do not constitute an emergency within the provisions of Section 11421(b).

(Added by Stats. 1947, Ch. 1425.)

Article 6. Exemptions

11445. Articles 4 and 5 of this chapter shall not apply to the Public Utilities Commission or the Industrial Accident Commission, and Articles 2 and 3 of this chapter shall apply only to the rules of procedure of said state agencies.

(Added by Stats. 1947, Ch. 1425.)

CHAPTER 5. ADMINISTRATIVE ADJUDICATION

11500. In this chapter unless the context or subject matter otherwise requires:

(a) "Agency" includes the state boards, commissions and officers enumerated in Section 11501 and those to which this chapter is made applicable by law, except that wherever the word "agency" alone is used the power to act may be delegated by the agency and wherever the words "agency itself" are used the power to act shall not be delegated unless the statutes relating to the particular agency authorize the delegation of the agency's power to hear and decide.

(b) "Party" includes the agency, the respondent and any person, other than an officer or an employee of the agency in his official capacity, who has been allowed to appear in the proceeding.

(c) "Respondent" means any person against whom an accusation is filed pursuant to Section 11503 or against whom a statement of issues is filed pursuant to Section 11504.

(d) "Hearing officer" means a hearing officer qualified under Section 11502.

(e) "Agency member" means any person who is a member of any agency to which this chapter is applicable and includes any person who himself constitutes an agency.

(Amended by Stats. 1947, Ch. 491.)

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter

Procedure
on petition

Court
review

Exemptions

Definitions

Application
of chapter

is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California.

Board of Osteopathic Examiners of the State of California.

Board of Nurse Examiners of the State of California.

State Board of Optometry.

California State Board of Pharmacy.

State Department of Public Health.

State Board of Public Health.

Board of Examiners in Veterinary Medicine.

State Board of Accountancy.

California State Board of Architectural Examiners.

State Board of Barber Examiners.

State Board of Registration for Civil Engineers.

Registrar of Contractors.

State Board of Cosmetology.

State Board of Funeral Directors and Embalmers.

Structural Pest Control Board.

Yacht and Ship Brokers Commissioner.

Director of Professional and Vocational Standards.

Collection Agency Board.

State Fire Marshal.

State Mineralogist.

Director of Agriculture.

Labor Commissioner.

Real Estate Commissioner.

Commissioner of Corporations.

Department of Social Welfare.

Social Welfare Board.

Department of Institutions.

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

Board of Pilot Commissioners for Humboldt Bay and Bar.

Board of Pilot Commissioners for the Harbor of San Diego.

Fish and Game Commission.

State Board of Education.

State Board of Equalization.

Insurance Commissioner.

Building and Loan Commissioner.

State Board of Cleaners.

Board of Social Work Examiners.

Board of Chiropractic Examiners.

(Amended by Stats. 1947, Ch. 491.)

11502. (a) The Director of the Department of Professional and Vocational Standards has power to appoint a staff of hearing officers for the department as provided in Section 110.5 of the Business and Professions Code. Any agency requiring full-time hearing officers for the purposes of this act has power to appoint them for the particular agency. Each hearing officer shall have been admitted to practice law in this State for at least five years immediately preceding his appointment and shall possess any additional qualifications established by the State Personnel Board for the particular class of position involved.

Appointment
of hearing
officers

(b) All persons now employed or on reemployment lists or in the military service who, pursuant to and in accordance with the terms and provisions of their civil service classifications and prior to the effective date of this act, shall have performed functions similar to those of a hearing officer in an agency may act as hearing officers in the same agency and shall not be subject to the qualifications provisions of subdivision (a).

(c) Full-time hearing officers serving pursuant to appointment under subdivision (a) shall be paid at the rate of not less than four thousand eight hundred dollars (\$4,800) per year.

(Added by Stats. 1945, Ch. 867.)

11503. A hearing to determine whether a right, authority, license or privilege should be revoked, suspended, limited or conditioned shall be initiated by filing an accusation. The accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare his defense. It shall specify the statutes and rules which the respondent is alleged to have violated, but shall not consist merely of charges phrased in the language of such statutes and rules. The accusation shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief.

(Amended by Stats. 1947, Ch. 491.)

11504. A hearing to determine whether a right, authority, license or privilege should be granted, issued or renewed shall be initiated by filing a statement of issues. The statement of issues shall be a written statement specifying the statutes and rules with which the respondent must show compliance by producing proof at the hearing, and in addition any particular matters which have come to the attention of the initiating party and which would authorize a denial of the agency action sought. The statement of issues shall be verified unless made by a public officer acting in his official capacity or by an employee of the agency before which the proceeding is to be held. The verification may be on information and belief. The statement of issues shall be served in the same manner as an accusation; provided, that, if the hearing is held at the request of the respondent, the provisions of Sections 11505 and 11506 shall not apply and the statement of issues together with the notice of hearing shall be delivered or mailed to the parties as provided in Section 11509.

(Amended by Stats. 1947, Ch. 491.)

11505. (a) Upon the filing of the accusation the agency shall serve a copy thereof on the respondent as provided in subdivision (c). The agency may include with the accusation any information which it deems appropriate, but it shall include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506. The copy of the accusation shall include or be accompanied by a statement that respondent may request a hearing by filing a notice

Accusation

Statement of issues

Service of accusation; what included

of defense as provided in Section 11506 within 15 days after service upon him of the accusation, and that failure to do so will constitute a waiver of his right to a hearing.

(b) The statement to respondent shall be substantially in the following form:

Unless a written request for a hearing signed by or on behalf of the person named as respondent in the accompanying accusation is delivered or mailed to the agency within 15 days after the accusation was personally served on you or mailed to you, [here insert name of agency] may proceed upon the accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to: [here insert name and address of agency].

(c) The accusation and all accompanying information may be sent to respondent by any means selected by the agency. But no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent shall have been served personally or by registered mail as provided herein, or shall have filed a notice of defense or otherwise appeared. Service may be proved in the manner authorized in civil actions. Service by registered mail shall be effective if a statute or agency rule requires respondent to file his address with the agency and to notify the agency of any change, and if a registered letter containing the accusation and accompanying material is mailed, addressed to respondent at the latest address on file with the agency.

(Added by Stats. 1945, Ch. 867.)

11506. (a) Within 15 days after service upon him of the accusation the respondent may file with the agency a notice of defense in which he may:

- (1) Request a hearing;
- (2) Object to the accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;
- (3) Object to the form of the accusation on the ground that it is so indefinite or uncertain that he can not identify the transaction or prepare his defense;
- (4) Admit the accusation in whole or in part;
- (5) Present new matter by way of defense.

Within the time specified respondent may file one or more notices of defense upon any or all of these grounds, but all such notices shall be filed within that period unless the agency in its discretion authorizes the filing of a later notice.

(b) The respondent shall be entitled to a hearing on the merits if he files a notice of defense, and any such notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file such notice shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in subdivision (a) (3), all objections to the form of the accusation shall be deemed waived.

(c) The notice of defense shall be in writing signed by or on behalf of the respondent and shall

Manner of service

state his mailing address. It need not be verified or follow any particular form.

(Added by Stats. 1945, Ch. 867.)

Amended
or supple-
mental
accusation

11507. At any time before the matter is submitted for decision the agency may file or permit the filing of an amended or supplemental accusation. All parties shall be notified thereof. If the amended or supplemental accusation presents new charges the agency shall afford respondent a reasonable opportunity to prepare his defense thereto, but he shall not be entitled to file a further pleading unless the agency in its discretion so orders. Any new charges shall be deemed controverted, and any objections to the amended or supplemental accusation may be made orally and shall be noted in the record.

(Added by Stats. 1945, Ch. 867.)

Time and
place of
hearing

11508. The agency shall determine the time and place of hearing. The hearing shall be held in San Francisco of the transaction occurred or the respondent resides within the First District Court of Appeal district, in the County of Los Angeles if the transaction occurred or the respondent resides within the Second or Fourth District Court of Appeal districts, and in the County of Sacramento if the transaction occurred or the respondent resides within the Third District Court of Appeal district. Provided that the agency, if the transaction occurred in a district other than that of respondent's residence, may select the county appropriate for either district; the agency may select a different place nearer the place where the transaction occurred or the respondent resides; or the parties by agreement may select any place within the State.

(Added by Stats. 1945, Ch. 867.)

11509. The agency shall deliver or mail a notice of hearing to all parties at least 10 days prior to the hearing. The hearing shall not be prior to the expiration of the time within which the respondent is entitled to file a notice of defense.

The notice to respondent shall be substantially in the following form but may include other information:

You are hereby notified that a hearing will be held before [here insert name of agency] at [here insert place of hearing] on the _____ day of _____, 19____, at the hour of _____, upon the charges made in the accusation served upon you. You may be present at the hearing, may be but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpenas to compel the attendance of witnesses and the production of books, documents or other things by applying to [here insert appropriate office or agency].

(Added by Stats. 1945, Ch. 867.)

Subpenas

11510. (a) Before the hearing has commenced the agency shall issue subpenas and subpenas duces tecum at the request of any party in accordance with the provisions of Section 1985 of the Code of Civil Procedure. After the hearing has commenced the agency itself hearing a case or a hearing officer sitting alone may issue subpenas and subpenas duces tecum.

(b) The process issued pursuant to subdivision (a) shall extend to all parts of the State and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend at a place out of the county in which he resides unless the distance be less than 100 miles from his place of residence, except that the agency, upon affidavit of any party showing that the testimony of such witness is material and necessary, may indorse on the subpoena an order requiring the attendance of such witness.

Witnesses
from more
than 100
miles

(c) All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of \$3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

Witness fees
and expenses

(Added by Stats. 1945, Ch. 867.)

11511. On verified petition of any party, an agency may order that the testimony of any material witness residing within or without the State be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall set forth the nature of the pending proceeding; the name and address of the witness whose testimony is desired; a showing of the materiality of his testimony; a showing that the witness will be unable or can not be compelled to attend; and shall request an order requiring the witness to appear and testify before an officer named in the petition for that purpose. Where the witness resides outside the State and where the agency has ordered the taking of his testimony by deposition, the agency shall obtain an order of court to that effect by filing a petition therefor in the superior court in Sacramento County. The proceedings thereon shall be in accordance with the provisions of Section 11189 of the Government Code.

Depositions

(Added by Stats. 1945, Ch. 867.)

11512. (a) Every hearing in a contested case shall be presided over by a hearing officer. The agency itself shall determine whether the hearing officer is to hear the case alone or whether the agency itself is to hear the case with the hearing officer.

Hearing
officer to
preside

(b) When the agency itself hears the case the hearing officer shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the agency on matters of law; the agency itself shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the hearing officer. When the hearing officer alone hears a case he shall exercise all powers relating to the conduct of the hearing.

Powers of
hearing
officer

Disqualification of hearing officer and agency members

(c) A hearing officer or agency member shall voluntarily disqualify himself and withdraw from any case in which he can not accord a fair and impartial hearing or consideration. Any party may request the disqualification of any hearing officer or agency member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing can not be accorded. Where the request concerns an agency member the issue shall be determined by the other members of the agency. Where the request concerns the hearing officer the issue shall be determined by the agency itself if the agency itself hears the case with the hearing officer, otherwise the issue shall be determined by the hearing officer. No agency member shall withdraw voluntarily or be subject to disqualification if his disqualification would prevent the existence of a quorum qualified to act in the particular case.

(d) The proceedings at the hearing shall be reported by a phonographic reporter.

(Added by Stats. 1945, Ch. 867.)

Evidence rules

11513. (a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(Added by Stats. 1945, Ch. 867.)

Evidence by affidavit

11514. (a) At any time 10 or more days prior to a hearing or a continued hearing, any party may mail or deliver to the opposing party a copy of any affidavit which he proposes to introduce in evidence, together with a notice as provided in subdivision (b). Unless the opposing party, within seven days after such mailing or delivery, mails or delivers to the proponent a request to cross-examine an affiant, his right to cross-examine such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made as herein provided, the affidavit may be introduced in evidence,

Admissibility of evidence

but shall be given only the same effect as other hearsay evidence.

(b) The notice referred to in subdivision (a) shall be substantially in the following form:

The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question him unless you notify (here insert name of proponent or his attorney) at (here insert address) that you wish to cross-examine him. To be effective your request must be mailed or delivered to (here insert name of proponent or his attorney) on or before (here insert a date seven days after the date of mailing or delivering the affidavit to the opposing party).

(Added by Stats. 1945, Ch. 867; repealed and re-enacted by Stats. 1947, Ch. 491.)

11515. In reaching a decision official notice may be taken, either before or after submission of the case for decision, of any generally accepted technical or scientific matter within the agency's special field, and of any fact which may be judicially noticed by the courts of this State. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the agency.

(Added by Stats. 1945, Ch. 867.)

11516. The agency may order amendment of the accusation after submission of the case for decision. Each party shall be given notice of the intended amendment and opportunity to show that he will be prejudiced thereby unless the case is reopened to permit the introduction of additional evidence in his behalf. If such prejudice is shown the agency shall reopen the case to permit the introduction of additional evidence.

(Added by Stats. 1945, Ch. 867.)

11517. (a) If a contested case is heard before an agency itself the hearing officer who presided at the hearing shall be present during the consideration of the case and if requested, shall assist and advise the agency. Where a contested case is heard before an agency itself, no member thereof who did not hear the evidence shall vote on the decision.

(b) If a contested case is heard by a hearing officer alone, he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the agency as a public record. The agency itself may adopt the proposed decision in its entirety, or may reduce the proposed penalty and adopt the balance of the proposed decision.

(c) If the proposed decision is not adopted as provided in subdivision (b) each party shall be furnished with a copy of the proposed decision. The agency itself may decide the case upon the record, including the transcript, with or without taking additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer he shall

Amendment of accusation after submission

Adoption of proposed decision of hearing officer

Procedure upon failure to adopt proposed decision

prepare a proposed decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party. The agency itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present either oral or written argument before the agency itself. If additional oral evidence is introduced before the agency itself no agency member may vote unless he heard the additional oral evidence.

(Added by Stats. 1945, Ch. 867.)

Form of decision

11518. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented and the penalty, if any. The findings may be stated in the language of the pleadings or by reference thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

(Amended by Stats. 1947, Ch. 491.)

Effective date of decision

11519. The decision shall become effective 30 days after it is delivered or mailed to respondent unless: a reconsideration is ordered within that time, or the agency itself orders that the decision shall become effective sooner, or a stay of execution is granted. A stay of execution may be included in the decision or if not included therein may be granted by the agency at any time before the decision becomes effective.

If respondent was required to register with any public officer, a notification of any suspension or revocation shall be sent to such officer after the decision has become effective.

(Added by Stats. 1945, Ch. 867.)

Defaults

11520. If the respondent fails to file a notice of defense or to appear at the hearing, the agency itself may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent; and where the burden of proof is on the respondent to establish that he is entitled to the agency action sought, the agency may act without taking evidence. Nothing herein shall be construed to deprive the respondent of the right to make any showing by way of mitigation.

(Amended by Stats. 1947, Ch. 491.)

Recon-sideration

11521. (a) The agency itself may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 30 days after the delivery or mailing of a decision to respondent, or on the date set by the agency itself as the effective date of the decision if such date occurs prior to the expiration of the 30-day period. If no action is taken on a petition within the time allowed for ordering reconsideration the petition shall be deemed denied.

(b) The case may be reconsidered by the agency itself on all the pertinent parts of the record and such additional evidence and argument as may be permitted or may be assigned to a hearing officer. A reconsideration assigned to a hearing officer shall be subject to the procedure provided in Section 11517. If oral evidence is introduced before the agency itself

no agency member may vote unless he heard the evidence.

(Added by Stats. 1945, Ch. 867.)

11522. A person whose license has been revoked or suspended may petition the agency for reinstatement or reduction of penalty after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition. The agency shall give notice to the Attorney General of the filing of the petition and the Attorney General and the petitioner shall be afforded an opportunity to present either oral or written argument before the agency itself. The agency itself shall decide the petition, and the decision shall include the reasons therefor. This section shall not apply if the statutes dealing with the particular agency contain different provisions for reinstatement or reduction of penalty.

(Added by Stats. 1945, Ch. 867.)

11523. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the agency. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the agency and shall be delivered to petitioner, within 30 days after a request therefor by him, upon the payment of the expense of preparation and certification thereof. The complete record includes the pleadings, all notices and orders issued by the agency, any proposed decision by a hearing officer, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the agency to prepare all or any part of the record the time within which a petition may be filed shall be extended until five days after its delivery to him. The agency may file with the court the original of any document in the record in lieu of a copy thereof.

(Amended by Stats. 1947, Chap. 491.)

11524. The agency may grant continuances at any stage of the proceedings.

(Added by Stats. 1945, Ch. 867.)

11525. If any person in proceedings before an agency disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the agency shall certify the facts to the superior court in and for the county where the proceedings are held. The court shall thereupon issue an order directing the person to appear before the court and show cause why he should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the person charged

Petition for
reinstatement
or
reduction
of penalty

Judicial
review

may purge himself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action before a superior court.

(Added by Stats. 1945, Ch. 867.)

11526. The members of an agency qualified to vote on any question may vote by mail.

(Added by Stats. 1945, Ch. 867.)

11527. Any sums authorized to be expended under this chapter by any agency shall be a legal charge against the funds of the agency.

(Added by Stats. 1945, Ch. 867.)

11528. In any proceedings under this chapter any agency, agency member, secretary of an agency or hearing officer has power to administer oaths and affirmations and to certify to official acts.

(Added by Stats. 1945, Ch. 867.)

II. Judicial Review Procedure

(Stats. 1945, Ch. 868)

Code of Civil Procedure, Section 1094.5

1094.5. (a) Where the writ is issued for the purpose of inquiring into the validity of any final administrative order or decision made as the result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in the inferior tribunal, corporation, board or officer, the case shall be heard by the court sitting without a jury. All or part of the record of the proceedings before the inferior tribunal, corporation, board or officer may be filed with the petition, may be filed with respondent's points and authorities or may be ordered to be filed by the court. If the expense of preparing all or any part of the record has been borne by the prevailing party, such expense shall be taxable as costs.

(b) The inquiry in such a case shall extend to the questions whether the respondent has proceeded without, or in excess of jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

(c) Where it is claimed that the findings are not supported by the evidence, in cases in which the court is authorized by law to exercise its independent judgment on the evidence, abuse of discretion is established if the court determines that the findings are not supported by the weight of the evidence; and in all other cases abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in the light of the whole record.

(d) Where the court finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before respondent, it may enter judgment as provided in subdivision (e) of this section remanding the case to be reconsidered in the light of such evidence; or, in cases in

which the court is authorized by law to exercise its independent judgment on the evidence, the court may admit such evidence at the hearing on the writ without remanding the case.

(e) The court shall enter judgment either commanding respondent to set aside the order or decision, or denying the writ. Where the judgment commands that the order or decision be set aside, it may order the reconsideration of the case in the light of the court's opinion and judgment and may order respondent to take such further action as is specially enjoined upon it by law but the judgment shall not limit or control in any way the discretion legally vested in the respondent.

(f) The court in which proceedings under this section are instituted may stay the operation of the administrative order or decision pending the judgment of the court, provided that no such stay shall be imposed or continued if the court is satisfied that it is against the public interest. If an appeal is taken from a denial of the writ, the order or decision of the agency shall not be stayed except upon the order of the court to which such appeal is taken. If an appeal is taken from the granting of the writ, the order or decision of the agency is stayed pending the determination of the appeal unless the court to which such appeal is taken shall otherwise order. Where any final administrative order or decision is the subject of proceedings under this section, if the petition shall have been filed while the penalty imposed is in full force and effect, the determination shall not be considered to have become moot in cases where the penalty imposed by the administrative agency has been completed or complied with during the pendency of such proceedings.

III. Division of Administrative Procedure

(Stats. 1945, Ch. 869)

Business and Professions Code, Sections
110.5, 110.6

110.5. The department shall maintain a staff of hearing officers qualified under Section 11502 of the Government Code, who, together with any additional employees assigned for that purpose, shall constitute the Division of Administrative Procedure. The department may employ hearing officers on a permanent, part-time or intermittent basis and shall maintain a staff which is sufficient to fill the needs of the various State agencies. Upon request from any agency the director shall assign a hearing officer for any proceeding arising under Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, but such person shall be deemed an employee of the department and not of the agency to which he is assigned. Upon assignment such persons may be temporarily transferred for payroll purposes only to the agency to which they are assigned or they may be retained as employees of the department and the agency to which they are assigned charged pursuant to Chapter 3 of Part 1 of Division 3 of Title 2 of the Government Code with the cost of the services, including the salary and provisions for retirement,

vacation and sick leave. When not engaged in hearing cases, hearing officers may be assigned by the director to perform other duties vested in the department, including those provided for in Section 110.6.

110.6. The department is authorized and directed, through its division of administrative procedure, to study the subject of administrative law and procedure in all its aspects; to submit its suggestions to the various agencies in the interests of fairness, uniformity and the expedition of business; and to report its recommendations to the Governor and Legislature at the commencement of each regular session. All departments, agencies, officers and employees of the State shall give the department ready access to their records and full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control.

IV. Reinstate ment of Licenses of Veterans

(Amended Stats. 1945, Ch. 1195)

114. Notwithstanding any other provisions in this code, any person holding a valid unexpired license issued by any board, commission, or bureau in the department, who enters any branch of the armed services of the United States in time of war or during a national emergency, shall not be required to renew such license at any time while exclusively engaged in such service.

A licensee, having availed himself of the provisions of this section, shall apply for the renewal of his license immediately upon reentry into the private practice of his profession or vocation, and in no case shall application for renewal of a license be made later than one year from date of discharge from active service or return to inactive military status. The licensee applying for renewal of his license at a time more than one year from date of discharge or return to inactive military status may be subjected to re-examination or to the payment of penalties as prescribed in this code or both.

For the purposes of this section, time spent by a licensee in receiving treatment or hospitalization in any Veterans' Facility during which he is prevented from practicing his profession or vocation shall be excluded from said period of one year.

Rules and Regulations of

The Board of Medical Examiners

Contained in

The California Administrative Code

Title 16, Subchapter 13

CHAPTER 13. BOARD OF MEDICAL EXAMINERS

Article

1. General Provisions
2. Applications
3. Education
4. Reciprocity
5. Examinations
6. Foreign Medical School Graduates
7. Hospitals
8. Certificates and Change of Name
9. Modification of Probation and Restoration of Revoked Certificates
10. Schools and Colleges
11. Chiropodists

Article 1. General Provisions

1300. Location of Offices. The principal office of the Board of Medical Examiners is located at 536 Business and Professions Building, 1020 N Street, Sacramento 14, California, and branch offices of the Board are located at:

(a) 907 California State Building, Los Angeles 12, California

(b) 515 Van Ness Avenue, San Francisco 2, California

NOTE—§§1300 to 1369, inclusive, issued under authority contained in Section 2119 of the Business and Professions Code. Source of §§1300 to 1369, inclusive, is the Rules and Regulations of the State Board of Medical Examiners.

1301. Tenses, Gender, and Number. For the purpose of the rules and regulations contained in this subchapter, the present tense includes the past and future tenses, and the future, the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.*†

1302. Definitions. For the purpose of the rules and regulations contained in this subchapter, the term "Board" means the Board of Medical Examiners and the term "Code" means the Business and Professions Code.*†

1303. Delegation of Certain Functions. The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, issue subpenas and subpenas duces tecum, set and calendar cases for hearing and perform other

*† For statutory and source citations, see note to §1300.

functions necessary to the business-like dispatch of the business of the Board in connection with proceedings under the provisions of Section 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; and the certification of decisions of the Board and delivery or mailing of copies of such decisions pursuant to Section 11518 of said Government Code and pursuant to the code are hereby delegated to and conferred upon the secretary-treasurer or, in his absence from the office of the Board, the assistant secretary.*†

In addition, the power conferred by law upon the Board to issue subpennas and subpennas duces tecum is hereby further delegated and conferred upon the Board Member in charge of the Los Angeles Office and the San Francisco Office and to Joseph Williams and Bydie Woodruff, Special Agents of the Board.

1304. Filing of Addresses by Licensees. Each person holding a certificate of registration, license, permit or any other authority to practice any of the healing arts under any and all laws administered by the Board is hereby directed and required to file with this Board his proper and current mailing address and to report immediately to the Board at its Sacramento office any and all changes of addresses, giving both his old and his new address.*†

Article 2. Applications

1308. Applications and Refund of Fees. (a) An application shall be denied without prejudice and a refund of the application fee will be made, when in the discretion of the Board, an applicant does not exercise due diligence in the completion of his application or in reporting for examination.

(b) An applicant for written or oral examination, who, without a reason satisfactory to the Board, permits four examinations to elapse without reporting for examination, will be refunded whatever fee is due under Section 2458 of the code. Should such applicant subsequently decide to appear for examination, he will be required to file the full application fee required by statute.

(c) When an application fee has been refunded on request the applicant must pay the full fee upon filing a subsequent application or subsequently requesting that his application be reconsidered.

(d) When an applicant receives a notice on which appear the words "Referred to Board," he will be required to appear before the Board on the first day of the meeting and at such time as can be arranged suiting the convenience of the Board, for a discussion of the credentials he has filed in connection with his application.*†

1309. Accompanying Photograph of Diploma. (a) A photographic copy of his diploma, in lieu of the original, may be furnished by the applicant for permanent filing with the Board. This photographic copy will be accepted in lieu of presentation of the diploma itself.

(b) In the case where the diploma has been lost and the medical college which issued the original diploma has been closed, a certification of the records made by the executive officer of the medical examining board of the state in which he was licensed, giving the date appearing on the diploma, will be accepted when duly signed and sealed.*†

1310. Evidence of Good Moral Character. Certificates of good moral character presented on any application will be acceptable only when signed by individuals licensed to practice

*† For statutory and source citations, see note to §1300.

the particular system of the healing art followed by the applicant, excepting in the instance of registered dispensing opticians and midwives.*†

1311. Government Credentials. An applicant basing his application upon a commission as a medical officer of the Medical Corps of the United States Army, Navy or Public Health Service must file a copy of the record of the proceedings resulting in such commission, officially certified or authenticated by the officer in charge, showing the nature and scope of the examination qualifying him for such commission, including the number of subjects covered by his examination, the number of questions given in each subject, and whether the examination was oral or written.*†

1312. Hearings on Applications. An applicant for examination or license whose credentials indicate ineligibility as found by the credentials committee and the Board will not be given a hearing before the Board except in the cases in which such hearings are provided for in the Government Code and such applicant has filed a formal petition upon grounds recognized by said Government Code and sufficient in form and statement of grounds to support such a hearing; such hearing will be restricted to the issues properly presented by such petition.*†

Article 3. Education

1314. Preliminary Education. (a) The statutory preliminary education requirement of "a California high school or its equivalent" may be satisfied, in the absence of a diploma, by a certificate of preliminary education issued by an approved educational institution of higher grade.

(b) The "equivalent" in every instance must be determined by the validating officer appointed by the Board. The validation certificate issued by him must bear a date prior to the applicant's matriculation date in any school approved by the Board. A copy of such validation certificate must be filed with the Board as well as with the school.

(c) No student may be matriculated in any school approved by the Board, unless he is the holder of:

(1) A California four-year high school diploma;

(2) A high school diploma issued by an out-of-state institution, which maintained at least an equal standard, in which event the matriculant must possess in addition a validation certificate issued by the validation officer appointed by this Board; or

(3) A degree granted by an approved higher grade educational institution.

(d) No student may be matriculated in an approved school, seeking to qualify its graduates for a certificate under the Business and Professions Code, at a date later than one week immediately following the advertised date of opening or commencing of a specific semester in said school.

(e) The provision in Section 2170 (d) of the code which states that an applicant who is thirty (30) or more years of age may show "training power," etc., is interpreted to mean that the individual must be thirty (30) years of age at date of matriculation. The age must be determined by verified copies of baptismal records, or in lieu thereof by affidavit of one or both parents. No matriculation shall be made in approved drugless or chiropody schools unless both the matriculant and the school be in possession of a validation certificate issued by the Validation Officer.

*† For statutory and source citations, see note to §1300.

(f) The Board will not approve an institution wherein a night course is conducted as a part of the regular curriculum.

(g) Advanced standing will not be sanctioned unless in the instance of a student coming from a school approved by the Board and then only where such student has made a passing grade in all subjects in each course during the term of his study in the school from which he seeks such advanced standing*†

1315. Pre-medical Education. (a) The course of one year of college grade in the subjects of chemistry, physics and biology must be given separate and apart from the professional course prescribed in the law, and shall be pursued in a school or teaching institution of known repute, approved by the Board.

(b) Schools giving pre-medical courses in physics, chemistry and biology to students during the identical period when the student is taking his regular course in the study of medicine and surgery will not be approved by the Board.

(c) The holder of a drugless practitioner's certificate, who later expects to qualify for a physician and surgeon's certificate, must submit satisfactory documentary evidence that prior to commencing the study of medicine he completed a course of college grade in the subjects of chemistry, physics and biology and thereafter completed, in a school approved by the Board, the physician and surgeon's course set forth in the code. Failure to satisfy this requirement will necessitate completion of the pre-medical course as set forth in the code, to be thereafter followed by a full course of instruction in a school approved by the board as qualifying applicants for a physician and surgeon's certificate.*†

Article 4. Reciprocity

1319. Reciprocity Applications. (a) Endorsement of good moral character must be completed by two reputable and licensed physicians in the state wherein the applicant last practiced. These endorsers must hold the same kind of a license or certificate as that held by the applicant.

(b) When the examining board which issued the license used as the basis of application, is unable to furnish the grades obtained in individual subjects of examination, the applicant must file his affidavit that he did not fall below 60 percent in more than one subject of said written examination.

(c) Credentials based on an examination and a license issued by a state licensing board of any state when the applicant already holds a physician and surgeon's license issued by the same state, will not be accepted as the basis of a reciprocity application.*†

1320. Identification. (a) An officer in active service in the Medical Corps, United States Army, Navy, Marine or Public Health Service, who files an application for a California license, may be identified by having his superior officer date and sign the identification photograph, designating under his signature the rank of such superior officer.

(b) Identification of a reciprocity applicant shall be made by the applicant's personally presenting a recent photograph of himself to the secretary or executive officer of the medical licensing board of the state wherein said applicant is located. After the applicant has signed his name in full across the face of the photograph, said secretary or executive officer will certify on the back of said photograph that it is a true likeness. He will then sign and date said identification photograph and affix thereon his official seal.

*† For statutory and source citations, see note to §1300.

(c) Any member of the Board may follow a similar procedure in identifying an applicant when such applicant displays a letter from the office of the Board at Sacramento, which notifies said applicant that the credentials committee has recommended that a direct reciprocity certificate be issued to him, pending identification. The applicant will then forward such identification photograph to the Board office in Sacramento, with instructions as to where his California certificate, when issued, is to be sent.

(d) In the matter of procedure in the identification of an applicant filing on National Board credentials, the same rule shall apply as now in force for a reciprocity applicant, i.e., he may be identified in accordance with the procedure set forth herein under identification by the secretary of the medical licensing board of the state in which he resides or identification by a member of the Board of Medical Examiners of the State of California, as set forth in the instance of reciprocity applicants.*†

1321. Endorsement of Credentials to Another State. (a) Any application filed by a licentiate of this Board for certification or endorsement of credentials to another state medical examining board for the purpose of reciprocity registration shall be accompanied by a photograph of the applicant taken within sixty (60) days and said photograph be certified before a notary public on Board's Form 41-A, affixed to the reverse side thereof, and will be retained in our files, in the event no photograph is attached to the application.

(b) No endorsement will be made unless the applicant has signed in affidavit form the application he has forwarded the California Board for endorsement. The statutory endorsement fee of five dollars (\$5) must accompany each request for endorsement.*†

Article 5. Examination

1325. Examinations—Written. (a) The applicant will copy the question from the examination question sheet and follow it with his answer.

(b) Anyone cheating will be ousted from the examination and further examination will be denied him for a period of at least one year thereafter.

(c) Each applicant is absolutely forbidden to place any identification marks on or in any of his tablets or to reveal his examination number to any examiner, or to any other person. A violation of this rule will be penalized in the discretion of the Board.

(d) A member or an employee of the Board shall not furnish the applicant for examination with names or addresses of organizations offering coaching courses for state Board examinations, and shall not furnish to coaching schools or individuals engaged in coaching for state Board examination, or other unauthorized persons, the names and addresses of prospective applicants who have or have not failed in any examination given by this Board.

(e) The first subject of examination of the first day of each specific meeting shall be taken by all classes of applicants.

(f) Two hours are allowed to complete the written examination in each subject.

(g) Only the *first 10* answers of each paper will be graded.

(h) Each applicant will answer any 10 of the 12 questions propounded for the class of certificate for which he applies. His examination paper shall be graded or marked on the first 10 answers in his tablet. The question shall be written first, followed by the answer.

*† For statutory and source citations, see note to §1300.

(i) No applicant expecting to return will be permitted to leave the examination room within an interval of at least thirty (30) minutes after the distribution of the question sheets. A watcher will accompany any examinee who finds it necessary to leave the room during the progress of the examination, unless he has completed the examination and deposits his examination paper on his way out.

(j) No applicant will be permitted to have on the table, whereon he is writing his examination, any paper or object other than the examination question sheet, the examination tablet, a blotter furnished by the Board, pen and ink, eraser and watch. Women's handbags, etc., must not be on the writing table. All books, parcels, etc., must be deposited by the applicant at the door of the examination room.

(k) An applicant will not be permitted to hold communication, verbal or otherwise, with other applicants or other persons, while the examination is in progress. Any disturbance on the part of an applicant will disqualify said applicant and he will be required to leave the examination room.

(l) No results of any examination, whether oral or written, will be released until the applicant has completed his application to the satisfaction of the Board and furnished all the data required by law and by the rules of the Board.*†

1326. Review of Examination Papers. (a) No review of examination papers will be held except at the next regular meeting following the filing of a request for same.

(b) A request for review must be filed with the Board in Sacramento at least two (2) weeks prior to the next regular meeting following the examination in which the applicant failed.

(c) No examination paper will be reviewed by the Board if the applicant has received a general average of less than 74-5/9 percent or received less than 60 percent in more than one subject.

(d) When a request for review has been filed by an applicant who has been given a general average of 74-5/9 percent and has not received less than 60 percent in more than one subject, the requested review of his examination shall be conducted by the nine examiners at the next regular meeting of the Board.*†.

1327. Failure in Two Oral Examinations. An applicant failing in two (2) oral examinations within any twelve (12) months' period shall not be admitted to a third oral examination until a period of one (1) year has elapsed from the date of the second failure.*†

Article 6. Foreign Medical School Graduates

1330. Requirements of Foreign Medical School Graduates. (a) A graduate of an approved foreign medical school who has filed with the Board on or before March 31, 1941, the Board's Form 172-173, duly completed, or in lieu thereof, who presents evidence satisfactory to the Board that on or before March 31, 1941, such applicant had been accepted as an intern by a hospital approved by the Board for the training of interns, said internship to commence not later than January 1, 1942, shall be deemed to have registered as an intern within the meaning of Statutes 1941, Chapter 751, and shall, upon complying with the other requirements of law, be admitted to written examination.

(b) An applicant seeking to qualify under the latter of the above-mentioned alternative methods, shall furnish to the

*† For statutory and source citations, see note to §1300.

Board either originals or photostatic copies of all correspondence, contracts and other documents between the applicant and the hospital, establishing the fact of acceptance by said hospital.

(c) The requirements of Section 2193 (d) of the code shall be deemed to have been met by the applicant therein referred to, only if the senior or fourth year is completed in one (1) approved medical school in the United States, or when the one year's rotating internship exacted of foreign medical school graduates has been completed in one (1) hospital located in the United States and approved by the Board for the training of interns.

(d) The following hospitals, and no others, are hereby approved by this Board for the training of interns in accordance with Section 2193 of the code, namely:

<i>Name of Hospital</i>	<i>Location</i>
San Joaquin General Hospital	French Camp
General Hospital of Fresno County	Fresno
Glendale Sanitarium and Hospital	Glendale
Loma Linda Sanitarium and Hospital	Loma Linda
California Hospital	Los Angeles
Cedars of Lebanon Hospital	Los Angeles
Hospital of the Good Samaritan	Los Angeles
Presbyterian Hospital Olmsted Memorial	Los Angeles
Los Angeles County Hospital	Los Angeles
Queen of Angels Hospital	Los Angeles
St. Vincent's Hospital	Los Angeles
Santa Fe Coast Lines Hospital	Los Angeles
White Memorial Hospital	Los Angeles
Highland-Alameda County Hospital	Oakland
Permanente Foundation Hospital	Oakland
Orange County General Hospital	Orange
Collis P. and Howard Huntington Memorial Hospital	Pasadena
Sacramento County Hospital	Sacramento
San Bernardino County Charity Hospital	San Bernardino
San Diego County General Hospital	San Diego
Children's Hospital	San Francisco
Franklin Hospital	San Francisco
French Hospital	San Francisco
Mary's Help Hospital	San Francisco
Mount Zion Hospital	San Francisco
St. Joseph's Hospital	San Francisco
St. Luke's Hospital	San Francisco
St. Mary's Hospital	San Francisco
San Francisco Hospital	San Francisco
Southern Pacific General Hospital	San Francisco
United States Marine Hospital	San Francisco
Santa Clara County Hospital	San Jose
St. Francis Hospital	Santa Barbara
Santa Barbara Cottage Hospital	Santa Barbara
Santa Barbara General Hospital	Santa Barbara
Santa Monica Hospital	Santa Monica

and other hospitals located in the United States but outside the State of California that meet the standards of the American Medical Association, Council on Medical Education and Hospitals, for a rotating type internship.

The foregoing approval of the Board is effective as of the tenth day of June, 1946, and until further order of the Board. The said approval is without prejudice to, and shall not be deemed to have affected, the standing, status or approval of any hospital for the training of interns for the purposes of Section 2193 of the code, or the consideration of any such

hospitals by the Board, whether approved or otherwise, at any time or for any period prior to said tenth day of June, 1946, which standing, status and approval of such hospitals and each and any of them, shall be and remain as determined by the Board prior to said tenth day of June, 1946.

(e) The following hospitals are hereby approved by the Board for the training of interns in accordance with Section 2193 of the code effective as of October 24, 1946, namely :

<i>Name of Hospital</i>	<i>Location</i>
Mercy Hospital	San Diego
St. John's Hospital	Santa Monica

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2193 of the code effective as of May 10, 1947, namely :

<i>Name of Hospital</i>	<i>Location</i>
Herrick Memorial Hospital	Berkeley

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2193 of the code effective as of July 7, 1947, namely :

<i>Name of Hospital</i>	<i>Location</i>
Seaside Hospital	Long Beach

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2193 of the code effective as of October 19, 1947, namely :

<i>Name of Hospital</i>	<i>Location</i>
Harbor General Hospital	Torrance

(f) A graduate of a foreign medical school who holds a National Board diplomate certificate, dated September 15, 1935, or subsequent thereto, and who seeks to file an application for a California certificate based on a diplomate certificate, must produce evidence satisfactory to the Board that prior to his having been admitted to examination by the National Board, he had completed the additional requirements exacted of a foreign medical school graduate, as set forth in the code (Chapter 5, Division 2) effective on the date the applicant was admitted to written examination by the National Board.

(g) Applicants, including those applying for reciprocity upon a license from another state, a certificate issued by the National Board of Medical Examiners, or a commission as a medical officer in the United States Army, Navy, or Public Health Service upon graduation from foreign schools, whose resident professional instruction has been secured in teaching institutions located outside the United States and Canada and whose credentials are found sufficient in form by the Credentials committee and the Board, shall be given and shall successfully take a written, oral and clinical examination suitable and sufficient to indicate the quality and sufficiency of his resident professional instruction.*† (Filed April 4, 1947; effective April 4, 1947.)

Article 7. Hospitals

1341. Approval of Hospitals for Treatment of Narcotic Addicts. (a) Upon application hospitals will be examined and if approved by the Board may then accept persons for treatment of narcotic addiction.

*† For statutory and source citations, see note to §1300.

(b) The following hospitals are hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of October 24, 1946, namely:

<i>Name of Hospital</i>	<i>Location</i>
Mercy Hospital	San Diego
St. John's Hospital	Santa Monica

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of May 10, 1947, namely:

<i>Name of Hospital</i>	<i>Location</i>
Herrick Memorial Hospital (Filed 6-4-47)	Berkeley

1342. Hospitals Approved for Training Interns. (a) The following hospitals, and no others are hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code, namely:

<i>Name of Hospital</i>	<i>Location</i>
San Joaquin General Hospital	French Camp
General Hospital of Fresno County	Fresno
Glendale Sanitarium and Hospital	Glen lake
Loma Linda Sanitorium and Hospital	Loma Linda
California Hospital	Los Angeles
Cedars of Lebanon Hospital	Los Angeles
Hospital of the Good Samaritan	Los Angeles
Presbyterian Hospital—Olmsted Memorial	Los Angeles
Los Angeles County Hospital	Los Angeles
Queen of Angels Hospital	Los Angeles
St. Vincent's Hospital	Los Angeles
Santa Fe Coast Lines Hospital	Los Angeles
White Memorial Hospital	Los Angeles
Highland-Alameda County Hospital	Oakland
Permanente Foundation Hospital	Oakland
Orange County General Hospital	Orange
Collis P. and Howard Huntington Memorial Hospital	Pasadena
Sacramento County Hospital	Sacramento
San Bernardino County Charity Hospital	San Bernardino
San Diego County General Hospital	San Diego
Children's Hospital	San Francisco
Franklin Hospital	San Francisco
French Hospital	San Francisco
Mary's Help Hospital	San Francisco
Mount Zion Hospital	San Francisco
St. Joseph's Hospital	San Francisco
St. Luke's Hospital	San Francisco
St. Mary's Hospital	San Francisco
San Francisco Hospital	San Francisco
Southern Pacific General Hospital	San Francisco
Stanford University Hospital	San Francisco
United States Marine Hospital	San Francisco
University of California Hospital	San Francisco
Santa Clara County Hospital	San Jose
St. Francis Hospital	Santa Barbara
Santa Barbara Cottage Hospital	Santa Barbara
Santa Barbara General Hospital	Santa Barbara
Santa Monica Hospital	Santa Monica

The foregoing approval of the Board is effective as of the tenth day of June 1946, and until further order of the Board. The approval is without prejudice to, and shall not be deemed to have affected, the standing, status or approval of any hospital

for the training of interns for the purposes of Section 2147.5 of the code, or the consideration of any such hospitals by the Board, whether approved or otherwise, at any time or for any period prior to said tenth day of June 1946, which standing, status and approval of such hospitals, and each and any of them, shall be and remain as determined by the Board prior to said tenth day of June 1946.

(b) The following hospitals are hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of October 24, 1946, namely :

<i>Name of Hospital</i>	<i>Location</i>
Mercy Hospital	San Diego
St. John's Hospital	Santa Monica

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of May 10, 1947, namely :

<i>Name of Hospital</i>	<i>Location</i>
Herrick Memorial Hospital	Berkeley

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of July 7, 1947, namely :

<i>Name of Hospital</i>	<i>Location</i>
Seaside Hospital	Long Beach

The following hospital is hereby approved by the Board for the training of interns in accordance with Section 2147.5 of the code effective as of October 19, 1947, namely :

<i>Name of Hospital</i>	<i>Location</i>
Harbor General Hospital	Torrance

1343. The hospitals approved by the Board for residencies in accordance with Section 2147.5 of the code, shall be those that meet unconditionally the minimum requirements for general standardization set by the American College of Surgeons, and that a current list shall be maintained in the Sacramento Office of the Board and such list may be available in their offices in the City of Los Angeles and San Francisco.

Article 8. Certificates

1346. Form of Certificates. (a) The Board shall formally adopt each form of certificate issued. Each class of certificate shall bear a letter designating the class thereof, followed by a serial number to establish its identity and to effectuate a numerical record.

(b) All reciprocity certificates issued after oral examination shall have a designating stamp thereon in the form prescribed by the Board.

(c) All certificates issued under Sections 2,210 to 2,216, inclusive, of the code (Government Credentials) shall have a designating stamp thereon in the form prescribed by the Board.

1347. Duplicate Certificates. A duplicate certificate will be issued to any licentiate who files a fee of two dollars (\$2) and an affidavit on the form adopted by the Board certifying to loss or destruction of the original certificate. A recent photograph of the licentiate with a completed affidavit paper (Form 41-A) affixed to the reverse side must accompany each request for a duplicate certificate. The duplicate shall bear the same number and date as the original certificate and have the word "Duplicate" printed across the face thereof, together with the date the duplicate was issued.*†

*† For statutory and source citations, see note to §1300.

1348. Change of Name. Each licentiate whose name has been changed by marriage must complete and file printed Form 85, furnished by the Board. Whenever the name of the licentiate has been changed by court order, said licentiate shall complete printed Form 89 furnished by the Board, to which shall be attached a certified copy of court record authorizing the change of name. In either instance the original certificate of such licentiate, shall be returned to the office of the Board so that endorsement of change of name may be made on the records of the Board, and a duplicate certificate issued. A photograph of the applicant taken within sixty (60) days must accompany the affidavit. Said photograph must have affixed to the reverse side the required affidavit on printed Form 41-A.*†

Article 9. Modification of Probation and Restoration of Revoked Certificates

1353. Petitions for Modification of Probation. (a) Consideration will be given to a request for modification of probation only when a formal request for such has been filed in the office of the Board at Sacramento at least thirty (30) days before a regular meeting of the Board.

(b) Such a request must be accompanied by letters of endorsement or recommendation from two leading physicians and two citizens in the community in which the petitioner resides.

(c) A petition for termination or modification of probation shall not be heard by the Board for a period of one (1) year following the date of the Board's decision or following the date of a prior denial of a similar petition or application.*†

1354. Petitions for Restoration of Revoked Certificates, Including Petitions for Modification of Probation. (a) A petition for restoration of a revoked certificate shall not be considered by the Board for a period of one year following the date of a prior denial of a similar petition or application.

(b) An application for restoration and modification or termination of probation shall be submitted on a form approved and furnished by the Board and said application shall be accompanied by recommendations required by Section 2376.5 of the code.

Article 10. Schools and Colleges

1359. Advanced Standing in Approved Schools. (a) A student shall not be accepted for advanced standing upon credits received or work taken in any except an approved school.

(b) In granting advanced standing no condition of any kind shall be allowed in the preliminary requirements. The school accepting a student for advanced standing must inspect and pass on the original credentials and make a certified copy available as a part of any subsequent application for written examination.

(c) In case of an application for transfer from one approved school to another, the standing of the applicant in the school from which he desires to transfer must be obtained directly from that school under its official seal and signature of the proper officer of such school and must not pass through the hands of the applicant.

(d) Advanced standing shall not be given to an applicant transferring from an approved school whose record shows "conditions" in any one collegiate year in more than one major subject and more than one minor subject. Failures and conditions in all subjects must be cleared by examination before

*† For statutory and source citations, see note to §1300.

an applicant shall be admitted to advanced standing or be advanced to the next higher class.

(e) Advanced standing shall not be allowed where the applicant has failed to pass the regular examination given to all members of the same class by the school from which he transferred. A school shall not admit to advanced standing a student transferring from another school unless said student files with the school of last matriculation satisfactory documents showing that he has satisfied all of the requirements of any prior approved schools where previously he had been a student.

(f) A re-examination on conditions shall not be given by either school until the school has been furnished with satisfactory evidence that actual work under instruction in all the subjects of failure has been taken by the applicant during the interval between the examination at which he originally failed and the date of the re-examination given him.*†

1360. Report of Matriculants in Approved Drugless Practitioner and Chiropody Schools. An approved drugless and chiropody school in the State of California shall submit to the Board at Sacramento within ten (10) days after the commencement of each semester or immediately on request of the secretary a typewritten alphabetical list of matriculants of each class under instructions. This report shall include the preliminary, pre-medical and professional education of each student. The Board shall be furnished with a satisfactory explanation of any addition of names to said list subsequent to the date of filing. A special notation with an explanation shall be made in the instance of a student admitted to advanced standing.*†

1361. Advanced Standing in Drugless Practitioner School. (a) Documents satisfactory to the Board, showing the prior record, educational status, subjects and hours completed by the matriculants, as required by the code, including a verbatim copy of the pre-medical and professional certificates on file with the approved school previously attended shall be filed with the approved drugless school prior to the matriculation of any student for advanced standing therein.

(b) An applicant for a drugless practitioner certificate will be granted a limited allowance for those subjects and for the hours of training taken in an approved chiropractic or chiropody school or college during the period of the approval of such school or college by the Board. The applicant shall furnish to the Board satisfactory proof of the completion of the subjects and the number of hours attended in the course of instruction.

(c) An applicant for advanced standing in a drugless practitioner school or college approved by the Board shall file with the Board satisfactory proof that at the time he matriculated in said school or college, he was in possession of a valid certificate issued by the validation officer appointed by the Board.*†

1362. Same: Graduates of Chiropody Schools. (a) A graduate of a chiropody college approved by the Board, who is licensed to practice chiropody in this State and has actually practiced five (5) years therein, may be granted advanced standing of two (2) semesters on a five (5) semester course in an approved drugless practitioner college upon making the required application, indicating that prior to the granting of a license to practice chiropody he had such qualifications as were then required for chiropody students and colleges.

(b) An applicant must furnish satisfactory evidence to the Board: (1) that he holds a diploma issued to him by a chiropody school or college approved by this Board; (2) that he holds

*† For statutory and source citations, see note to §1300.

a chiropody license issued by the Board based upon a written examination; (3) that he has completed at least five years of lawful practice in chiropody in California. An applicant will thereafter be permitted to qualify for the right to take an examination leading to the issuance of a drugless practitioner certificate upon proof satisfactory to the Board that he has satisfactorily completed in one of the drugless colleges approved by the Board, the following additional courses of study:

Anatomy	600 hours
Physiology	200 hours
Pathology	150 hours
Bacteriology	100 hours
Diagnosis	370 hours
Obstetrics and Gynecology	265 hours

(e) Additional training for a drugless practitioner certificate shall comprise two semesters of the regular course of instruction in said drugless college, each semester to be no less than twenty-five (25) weeks' duration and in addition to the above enumerated and described courses and subjects, must satisfactorily complete the fifth regular semester of an approved drugless practitioner college.*†

1363. Game: Graduates of Chiropractic Schools. (a) An applicant must furnish evidence satisfactory to the Board of having completed more than five years of continuous lawful practice under a license or certificate issued by the California Board of Chiropractic Examiners and based upon a written examination as well as a diploma issued by one of the following chiropractic colleges:

San Francisco College of Chiropractic
California College of Chiropractic
West Coast College of Chiropractic
Western College of Chiropractic
National College of Chiropractic, Chicago, Illinois
Carver College of Chiropractic, Oklahoma
Palmer College of Chiropractic, Davenport, Illinois

(b) An applicant will thereafter be permitted to qualify for the right to take an examination leading to the issuance of a drugless practitioner certificate upon proof satisfactory to the Board that he has satisfactorily completed in one of the drugless colleges approved by the Board, the following additional courses of study:

Anatomy	600 hours
Physiology	200 hours
Pathology	150 hours
Bacteriology	100 hours
Diagnosis	370 hours
Obstetrics and Gynecology	265 hours

(c) Additional training for a drugless practitioner certificate shall comprise two (2) semesters in said approved drugless college, each semester to be of at least twenty-five (25) weeks' duration.

(d) An applicant who has had less than five (5) years of lawful practice as a licensed chiropractor in California must satisfactorily complete the fifth regular semester in an approved drugless practitioner college in addition to the above enumerated and described courses and subjects.*†

1364. Requirements for Approval of Drugless Practitioner Schools. (a) A drugless practitioner school shall not be approved by the Board unless, in addition to the matricula-

*† For statutory and source citations, see note to §1300.

tion requirements already specified, it requires that its students personally dissect the lateral one-half of the human cadaver. Such a course in anatomy must have been pursued in a school approved by the Board, under the supervision of competent instructors on the faculty of such school. The foregoing course in anatomy need not necessarily be taken in an approved school confining its course of instruction to qualifying its graduates for examination for a drugless practitioner's certificate.

(b) A student conditioned in more than one major subject or more than three minor subjects of the college curriculum shall not be permitted to advance from one class to the next higher class. A major subject is not less than one hundred (100) hours. A minor subject is less than one hundred (100) hours. A student advanced with conditions must remove such conditions prior to commencement of the second half of the then current school year. A student who fails to do so shall be required to repeat the work of the first semester.

(c) The Board reserves the authority to refuse approval of a specific applicant, even if a graduate of an approved school, when, to the satisfaction of the Board, it is shown that the qualifications of said applicant are not acceptable as fulfilling the educational requirements set forth in the code, effective on the date such applicant graduated.

(d) A school located outside the State of California, which is approved by the licensing authority of the state wherein it is located, may be approved by the California Board, providing that:

- (1) All the educational requirements of the California law are fulfilled.
- (2) The licensing authority or board of such state has authority by statute to supervise the conduct and operation of such school and acts in accordance therewith.
- (3) The Board reserves the right to reject a specific applicant whose credentials are not considered satisfactory.

(e) In addition to the statutory provisions regarding preliminary and pre-medical education as set forth in Articles 3 and 7 of Chapter 5 of Division 2 of the code and the rules hereinbefore mentioned covering same, the equipment, teaching facilities, etc., of a drugless practitioner school shall fulfill the requirements of the first and second years, detailed in the Schedule of Minimum Requirements, Administration, Supervision and Equipment, required for approval of medical schools.*†

1365. Validation Certificate. A college, other than an approved medical college, which prepares students for examination for any form of certificate, as provided in the code relating to the practice of medicine, shall not be approved unless such institution requires, before matriculation of any student, the filing of a validation certificate issued by the properly authorized validating officer of the Board, showing that the prospective student has completed all the preliminary, and, in the instance of chiropody, all the pre-chiropodial, requirements set forth in the law and these rules and regulations.*†

1366. Approved Schools. (a) The following institutions are approved by the Board for the giving of resident professional instruction in medicine to candidates for examination or licensure as a physician and surgeon in accordance with the laws of the State of California :

Alabama

Medical College of Alabama, Birmingham

*† For statutory and source citations, see note to §1300.

Arkansas

University of Arkansas School of Medicine, Little Rock

California

University of California Medical School, Berkeley-San Francisco

College of Medical Evangelists, Loma Linda-Los Angeles

University of Southern California School of Medicine, Los Angeles

Stanford University School of Medicine, Stanford University-San Francisco

Colorado

University of Colorado School of Medicine, Denver

Connecticut

Yale University School of Medicine, New Haven

District of Columbia

Georgetown University School of Medicine, Washington

George Washington University School of Medicine, Washington

Howard University College of Medicine, Washington

Georgia

Emory University School of Medicine, Atlanta

University of Georgia School of Medicine, Augusta

Illinois

Loyola University School of Medicine, Chicago

Northwestern University Medical School, Chicago

University of Chicago, The School of Medicine, Chicago

University of Illinois College of Medicine, Chicago

Indiana

Indiana University School of Medicine, Bloomington-Indianapolis

Iowa

State University of Iowa College of Medicine, Iowa City

Kansas

University of Kansas School of Medicine, Lawrence-Kansas City

Kentucky

University of Louisville School of Medicine, Louisville

Louisiana

Louisiana State University School of Medicine, New Orleans

Tulane University of Louisiana School of Medicine, New Orleans

Maryland

Johns Hopkins University School of Medicine, Baltimore

University of Maryland School of Medicine and College of

Physicians and Surgeons, Baltimore

Massachusetts

Boston University School of Medicine, Boston

Harvard Medical School, Boston

Tufts College Medical School, Boston

Michigan

University of Michigan Medical School, Ann Arbor

Wayne University College of Medicine, Detroit

Mississippi

University of Mississippi School of Medicine, University
First and Second Years Only

Minnesota

University of Minnesota Medical School, Minneapolis

Missouri

St. Louis University School of Medicine, St. Louis
Washington University School of Medicine, St. Louis
University of Missouri School of Medicine, Columbia
First and Second Years Only.

Nebraska

Creighton University School of Medicine, Omaha
University of Nebraska College of Medicine, Omaha

New Hampshire

Dartmouth Medicine School, Hanover
First and Second Years Only.

New York

Albany Medical College, Albany
Long Island College of Medicine, Brooklyn
University of Buffalo School of Medicine, Buffalo
Columbia University College of Physicians and Surgeons, New York
Cornell University Medical College, New York
New York Medical College, Flower and Fifth Avenue Hospital, New York
New York University College of Medicine, New York
University of Rochester School of Medicine and Dentistry, Rochester
Syracuse University College of Medicine, Syracuse

North Carolina

Duke University School of Medicine, Durham
Bowman Gray School of Medicine of Wake Forest College, Winston-Salem
University of North Carolina School of Medicine, Chapel Hill
First and Second Years Only.

North Dakota

University of North Dakota School of Medicine, Grand Forks
First and Second Years Only.

Ohio

University of Cincinnati College of Medicine, Cincinnati
Western Reserve University School of Medicine, Cleveland
Ohio State University College of Medicine, Columbus

Oklahoma

University of Oklahoma School of Medicine, Oklahoma City

Oregon

University of Oregon Medical School, Portland

Pennsylvania

Hahnemann Medical College and Hospital of Philadelphia
Jefferson Medical College of Philadelphia
Temple University School of Medicine, Philadelphia
University of Pennsylvania School of Medicine, Philadelphia
Woman's Medical College of Pennsylvania, Philadelphia
University of Pittsburgh, School of Medicine, Pittsburgh

South Carolina

Medical College of the State of South Carolina, Charleston

South Dakota

University of South Dakota School of Medical Sciences, Vermillion

First and Second Years Only

Tennessee

University of Tennessee College of Medicine, Memphis

Meharry Medical College, Nashville

Vanderbilt University School of Medicine, Nashville

Texas

Southwestern Medical College of the Southwestern Medical Foundation, Dallas

University of Texas School of Medicine, Galveston

Baylor University College of Medicine, Houston

Utah

University of Utah School of Medicine, Salt Lake City

Vermont

University of Vermont College of Medicine, Burlington

Virginia

University of Virginia Department of Medicine, Charlottesville

Medical College of Virginia, Richmond

West Virginia

West Virginia University School of Medicine, Morgantown
First and Second Years Only

Wisconsin

University of Wisconsin Medical School, Madison
Marquette University School of Medicine, Milwaukee

Canada

University of Alberta Faculty of Medicine, Edmonton, Alta.
University of Manitoba Faculty of Medicine, Winnipeg, Man.

Dalhousie University Faculty of Medicine, Halifax, N. S.
Queen's University Faculty of Medicine, Kingston, Ont.

University of Western Ontario Medical School, London, Ont.

University of Toronto Faculty of Medicine, Toronto, Ont.

McGill University Faculty of Medicine, Montreal, Que.

University of Montreal Faculty of Medicine, Montreal, Que.

Laval University Faculty of Medicine, Quebec, Que.

University of Saskatchewan School of Medical Sciences, Saskatoon, Sask.

First and Second Years Only

(b) The following institutions are approved by the Board for the giving of resident professional instruction in drugless healing to candidates for examination or licensure as Drugless Practitioners in accordance with the laws of the State of California :

NONE

(c) The following institutions are approved by the Board for the giving of resident professional instruction in chiropody to candidates for examination or licensure as a chiropodist in accordance with the laws of the State of California :

California

California College of Chiropody, San Francisco

Illinois

Chicago College of Chiropody, Chicago
Illinois College of Chiropody and Foot Surgery, Chicago

New York

The First Institute of Podiatry, Long Island University,
New York City

Ohio

Ohio College of Chiropody, Cleveland

Pennsylvania

Temple University, School of Chiropody, Philadelphia

(d) The following institutions are approved by the Board for the giving of resident professional instruction in midwifery to candidates for examination or licensure as a Midwife in accordance with the laws of the State of California :

NONE

(e) The foregoing approval of the Board of the institutions above named, and none other, is effective as of the 9th day of June, 1946, and until further order of said Board. Said approval is without prejudice to and shall not be deemed to have affected the standing, status, approval or disapproval of any institution for resident professional instruction for the purposes of the code prior to said 9th day of June, 1946, or the consideration of the standing, status, approval or disapproval of any of said named institutions, or any other such institution, by said Board, whether approved or otherwise, at any time or for any period prior to said 9th day of June, 1946, which standing, status, approval or disapproval of such institutions prior to said 9th day of June, 1946, and each or any of them, shall be and remain as determined by the Board prior to said 9th day of June, 1946.*† (Filed 4-4-47; effective 4-4-47)

Article 11. Chiropodists

1369. Professional Education Work. (a) The professional educational work specified by Sections 2450 and 2452 of the code as required of each person holding a certificate to practice chiropody as a condition to the renewal of his certificate shall be taken in the following subjects :

1. Dermatology
2. Bacteriology
3. Pathology
4. Syphilology
5. Therapeutics
6. Foot Hygiene

The applicant for renewal must show five (5) hours each in the six (6) subjects, or six (6) hours in any of the five (5) subjects.

(b) For the year 1947 such professional educational work may be taken individually or in groups under the supervision of one or more of the following :

1. An approved chiropody school.
2. A member of the staff of an approved medical school.
3. A licensed physician and surgeon of this State or of any state of the United States, the standards of which are recognized for the purpose of reciprocity licensure under Sections 2310 through 2343 of the code.

*† For statutory and source citations, see note to §1300.

(c) The showing of the taking of such professional educational work shall be made by a certificate of affidavit of the individual giving such instruction or of the appropriate certifying officer of such institution of learning and the affidavit or the applicant for renewal specifying the time and place, subject, instructor and number of hours of such professional educational work taken during the year 1947.

(d) The application of this rule shall be limited to the requirements of Sections 2450 and 2452 of the code as they apply to the calendar year 1947 only. (Filed 4-4-47; effective 4-4-47)*†

*† For statutory and source citations, see note to §1300.

CALIFORNIA LEGISLATIVE ENACTMENTS
Table No. 1—Legislative Enactments in California Pertaining to the Healing Art

	Statutes	Chapter	Page	Approved	In effect	
Medicine and Surgery	1876	518	792	April 3, 1876	April 3, 1876	Three boards each issuing certificates on verification of diploma from a medical college.
Medicine and Surgery	1878	576	918	April 3, 1878	April 3, 1878	Board consisting of—5 members of Medical Society of California; 2 members of California State Homeopathic Society; 2 members of Eclectic Medical Society—written examination.
Medicine and Surgery	1901	51	56	Feb. 27, 1901	Aug. 1, 1901	Board of Osteopathic Examiners—issuing certificates to practice osteopathy on diploma.
Osteopathy	1901	99	113	Mar. 9, 1901	Mar. 9, 1901	Composite Board—5 members of Medical Society of California; 2 from California State Homeopathic Med. Society; 2 from Eclectic Med. Society; 2 from Osteopathic Society of California—issued: 1. Certificate to practice medicine and surgery; 2. Certificate to practice osteopathy. Subjects of examinations changed.
Medicine and Surgery and Osteopathy	1907	212	252	Mar. 14, 1907	May 1, 1907	Provided for indorsement of certificate issued by the Association of Naturopathy of California without requirement of educational qualifications.
Naturopathy	1909	276	418	Mar. 19, 1909	Mar. 19, 1909	Examination for special certificate; U. S. Army certificate.
Medicine and Surgery and Osteopathy	1911	740	1437	May 1, 1911	July 1, 1911	Prohibiting faculty member from Board membership.
Medicine and Surgery and Osteopathy	1911	745	1449	May 1, 1911	May 1, 1911	Provides for issuance of certificate to practice: 1. Medicine and surgery; 2. Drugless.
Medicine and Surgery and Drugless	1913	354	722	June 2, 1913	Aug. 10, 1913	Amended Secs. 2-3-4-8-9-10-11-12-13-14-17-18 and added 12½ re 1. Medicine and surgery; 2. Chiropracy.
Medicine and Surgery Drugless and Chiropracy	1915	105	184	April 24, 1915	Aug. 8, 1915	

1917	81	93	April 27, 1917	July 27, 1917	Amended Secs. 2-8-9-10-11-12-12 ^{1/2} -13-14-15-17-18 and added 24; also added Drugless, Chiropracy and Midwifery.
1919	630	1296	May 27, 1919	July 27, 1919	Permits treatment by students in schools and internes in hospitals. Sec. 22.
1919	632	1299	May 27, 1919	July 27, 1919	Provides for Superior Court review of Board's disapproval of a school. Sec. 10 ^{1/2} .
1921	587	995	May 31, 1921	July 30, 1921	Defines Chiropracy. Sec. 8.
1921	598	1009	May 31, 1921	July 30, 1921	Salary; rev. fd.; revocation; probation. Secs. 5-6-9 and 14.
1921	763	1317	June 3, 1921	Aug. 2, 1921	Subjects of instruction and of examination. Secs. 10-11.
1923	292	618	June 2, 1923	Aug. 18, 1923	Premedical education requirement changed. Sec. 9.
1923	346	716	June 14, 1923	Aug. 18, 1923	Medical course changed from "hours" to "percentage" of total. Sec. 10.
1925	130	281	May 14, 1925	July 24, 1925	Added to Sec. 14, subdivisions 1a-5a-5b-5c.
1927	59	99	April 5, 1927	July 29, 1927	Amending Section 14, subdivision 6, and adding 11a and b.
1927	63	110	April 5, 1927	July 29, 1927	Amending Section 2. Annual tax reduced to \$1.
1927	66	114	April 5, 1927	July 29, 1927	Amending Sec. 11. Subjects of examination to include Public Health and Bio-chemistry.

Table No. 1—Continued

Statutes	Chapter	Page	Approved	In effect
Medicine and Surgery Drugless, Chiropracy and Midwifery	1927	92	180	April 11, 1927 July 29, 1927
Medicine and Surgery Drugless, Chiropracy and Midwifery	1927	122	217	April 13, 1927 July 29, 1927
Medicine and Surgery Drugless, Chiropracy and Midwifery	1927	639	1,069	May 19, 1927 July 29, 1927
Medicine and Surgery	1929	217	389	May 4, 1929 Aug. 14, 1929
Medicine and Surgery Drugless, Chiropracy and Midwifery	1929	309	620	May 18, 1929 Aug. 14, 1929
Chiropracy	1929	310	623	May 18, 1929 Aug. 14, 1929
Medicine and Surgery, etc.	1929	233	435	May 6, 1929 Aug. 14, 1929
Medicine and Surgery, etc.	1929	311	626	May 18, 1929 Aug. 14, 1929
Medicine and Surgery, etc.	1929	812	1701	June 15, 1929 Aug. 14, 1929
Medicine and Surgery, etc.	1929	330	654	May 18, 1929 Aug. 14, 1929
Medicine and Surgery, etc.	1929	460	825	May 24, 1929 Aug. 14, 1929
Medicine and Surgery, etc.	1931	534	1139	May 29, 1931 Aug. 14, 1931
Medicine and Surgery, etc.	1931	1006	2018	June 16, 1931 Aug. 14, 1931

Medicine and Surgery
Drugless, Chiropracy and Midwifery

Amending Sec. 24. Collection Osteopathic Board fines.

Amending Sec. 13. Oral examination for reciprocity applicant licensed 10 or more years.

Amending Secs. 9 and 10. Modifying subjects of instruction for Physician and Surgeon. Increasing Chiropracy requirements.

Amending Sec. 12 permitting commissioned medical officers to take oral examination.

Amending Sec. 9. Requires all education to be "Resident." Increases Chiropracy course. Effective July 1, 1930.

Amending Sec. 10. Increasing Chiropracy requirements.

Amending Sec. 17. More clearly defining violations.

Amending Sec. 14. Additional causes for revocation.

Amending Sec. 13. Re requirements for reciprocity, which is denied if applicant has failed in California examination.

Adds Sec. 11a. Recognizing National Board of Diplomats.

Amending Sec. 15. By requiring a certificate to be "registered" rather than "recorded."

Amending Secs. 6 and 24. Report of receipts, title of act, penalties, etc.

Amending Sec. 1. Appointment and terms of Board members.

Chiropracy	1933	409	1275	May 24, 1933	Aug. 21, 1933	Amending Secs. 8 and 17. Re Chiropracy.
Medicine and Surgery, etc.	1935	670	1839	July 16, 1935	Sept. 15, 1935	Amending Sec. 9. Re foreign graduates.
Medicine and Surgery, etc.	1935	672	1842	July 16, 1935	Sept. 15, 1935	Amending Sec. 2. Annual tax \$2.00, and Sec. 13. Re reciprocity.
Business and Professions Code	1937	399	1226	June 15, 1937	Aug. 27, 1937	Codification.
Medicine and Surgery, etc.	1937	414	1254	June 17, 1937	Aug. 27, 1937	Adds provisions on medicine to the code.
Medicine and Surgery, etc.	1939	281	1536	May 27, 1939	Sept. 19, 1939	Exempting Canadian medical school graduates.
Medicine and Surgery, etc.	1939	269	1520	May 26, 1939	Sept. 19, 1939	Adds penalty for sale of Drugless or Naturopathic Degrees.
Medicine and Surgery	1939	341	1681	June 2, 1939	Sept. 19, 1939	Internes can serve but 2 years without a license.
Medicine and Surgery, etc.	1939	342	1681	June 2, 1939	Sept. 19, 1939	Wilful making false statement cause for revocation.
Medicine and Surgery, etc.	1939	343	1682	June 2, 1939	Sept. 19, 1939	Prohibits use of prefix "Dr." without designating class of certificate held.
Medicine and Surgery, etc.	1939	344	1682	June 2, 1939	Sept. 19, 1939	Prohibits use of term "Drugless Practitioner" except to holders thereof.
Drugless	1939	360	1692	June 2, 1939	Sept. 19, 1939	Increases educational requirements for Drugless Practitioners.
Dispensing Opticians	1939	955	2692	July 22, 1939	Sept. 19, 1939	Dispensing Opticians placed under Medical Board.
Chiropracy	1939	1021	2826	July 22, 1939	Sept. 19, 1939	Requires Pre-chiropractical education.
Medicine and Surgery, etc.	1941	21	---	Feb. 2, 1941	Feb. 3, 1941	Exempts full time Medical Officers and Drafties from annual tax.
Chiroprologists	1941	120	---	April 17, 1941	Sept. 13, 1941	Increases educational requirements for Chiroprologists.
Chiroprologists	1941	121	---	April 17, 1941	Sept. 13, 1941	Price advertising by Chiroprologists cause for citation.
Medicine and Surgery, etc.	1941	218	---	May 7, 1941	Sept. 13, 1941	Contents of Directory.

Table No. 1—Continued

	Statutes	Chapter	Page	Approved	In effect
<i>Medicine and Surgery, etc.</i>					
Medicine and Surgery	1941	219	---	May 7, 1941	Sept. 13, 1941
Medicine and Surgery	1941	220	---	May 7, 1941	Sept. 13, 1941
<i>Medicine and Surgery, etc.</i>					
Medicine and Surgery, etc.	1941	221	---	May 7, 1941	Sept. 13, 1941
Medicine and Surgery, etc.	1941	222	---	May 7, 1941	Sept. 13, 1941
Dispensing Opticians	1941	521	---	May 31, 1941	Sept. 13, 1941
Dispensing Opticians	1941	521	---	May 31, 1941	Sept. 13, 1941
Medicine and Surgery	1941	751	---	June 14, 1941	Sept. 13, 1941
<i>Medicine and Surgery, etc.</i>					
Medicine and Surgery	1941	875	---	June 24, 1941	Sept. 13, 1941
<i>Medicine and Surgery, etc.</i>					
Medicine and Surgery	1941	912	---	July 2, 1941	Sept. 13, 1941
Chiroprropy	1941	1116	---	July 12, 1941	Sept. 13, 1941
Chiroprropy	1941	1116	---	July 12, 1941	Sept. 13, 1941
<i>Medicine and Surgery, etc.</i>					
Medicine and Surgery	1943	471	---	May 15, 1943	May 16, 1943

Establishes fees for change of name, duplicate certificates, etc.

Credit for years of practice limited to 10 points and available to U. S. graduates only.

Provides for a fee for addressograph service.

Provides for publication of Annual Report.

Provides for refund to applicants denied Registered Dispensing Optician certificates.

Provides Registered Dispensing Optician may register a change of address on filing \$15.00 fee.

Denies license to foreign medical graduates when country wherein they are licensed does not grant similar privileges to U. S. licensees.

Requires use of licensee's name in advertisement of medical business.

Physicians and Surgeons licensed in another state may serve only 1 year in State Hospitals without a state license.

Practice of Chiroprropy defined.

Sale of corrective shoes and appliances for human feet permitted.

Provides for appointment of committees and approval of committee action and recommendations by written consent of the Board.

Medicine and Surgery	1943	472	---	May 15, 1943	Aug. 4, 1943	Provides for other evidence of final, successful and entire completion of medical course in lieu of diploma.
Medicine and Surgery, etc.	1943	530	---	May 17, 1943	Aug. 4, 1943	Provides method of application for restoration of revoked certificates.
Medicine and Surgery	1945	264	---	May 7, 1945	-----	Physicians and Surgeons licensed in another State may serve in Veterans' Home.
Chiropody	1945	673	---	Jane 4, 1945	Sept. 15, 1945	Provides for Pre-chiropodical education for veterans of World War II. Regarding chiropody reciprocity requirements.
Chiropody	1945	775	---	June 8, 1945	Sept. 15, 1945	Provides for 30 hours professional educational work for renewal of Chiropody license.
Medicine and Surgery, etc.	1945	896	---	June 15, 1945	Sept. 15, 1945	Provides for hearings under the Administrative Procedures Act.
Chiropody	1947	289	---	May 17, 1947	Sept. 19, 1947	Increases Chiropody course for students matriculating after Sept. 1, 1947.
Chiropody	1947	290	---	May 17, 1947	Sept. 19, 1947	Repeals requirement of 30 hours professional educational work for renewal of Chiropody license.
Medicine and Surgery, etc.	1947	299	---	May 17, 1947	Sept. 19, 1947	Changes method of payment of reciprocity application fee.
Medicine and Surgery, etc.	1947	300	---	May 17, 1947	Sept. 19, 1947	Defines resident course of instruction.
Medicine and Surgery, etc.	1947	307	---	May 19, 1947	Sept. 19, 1947	Contents of Directory.
Medicine and Surgery, etc.	1947	308	---	May 19, 1947	Sept. 19, 1947	Amends Section 2390 relating to unprofessional conduct.
Medicine and Surgery, etc.	1947	309	---	May 19, 1947	Sept. 19, 1947	Adds Section 2391.5 relating to unprofessional conduct.
Medicine and Surgery, etc.	1947	344	---	May 21, 1947	Sept. 19, 1947	Increases Board members per diem.

Table No. 1—Continued

	Statutes	Chapter	Page	Approved	In effect
Medicine and Surgery, etc.	1947	469	---	May 31, 1947	Sept. 19, 1947
Medicine and Surgery, etc.	1947	470	---	May 31, 1947	Sept. 19, 1947
Dispensing Opticians	1947	580	---	June 5, 1947	Sept. 19, 1947
Medicine and Surgery	1947	867	---	June 19, 1947	Sept. 19, 1947
Medicine and Surgery, etc.	1947	1005	---	June 30, 1947	Sept. 19, 1947
Medicine and Surgery, etc.	1947	1157	---	July 7, 1947	Sept. 19, 1947

Provides method of court review of Board's disapproval of schools.

Amends Section 2376.5 relating to applications for restoration of revoked certificates.

Increases requirements for Dispensing Opticians certificate.

Provides for exchange instructors and residents.

Prohibits use of "physician" except to holders of physicians and surgeons certificates.

Amends Section 2384 relating to unprofessional conduct.

OTHER LAWS RELATING TO THE HEALING ART

Chiropractic: Initiative passed at General Election November 7, 1922; in effect December 21, 1922. Created Board of Chiropractic Examiners to license graduates of chiropractic schools who fulfill the statutory requirements.

Osteopathic: Initiative passed General Election November 7, 1922; In effect December 21, 1922. Created Board of Osteopathic Examiners, with authority to administer the Medical Practice Act for graduates of osteopathic schools and granting jurisdiction over same.

College Incorporation Bill, Chapter 152, Statutes 1927; Chapter 711, Statutes 1929; Chapter 719, Statutes 1931; Chapter 1051, Statutes 1935; Chapter 22 Special Session 1940. Regulating incorporation and operation of degree conferring institutions.

Misdemeanor for falsely representing a public officer. Chapter 680, Statutes 1931, Page 1420. Parton not to effect provisions of Medical Practice Act. Chapter 945, Statutes 1933; Page 2476.

Regulating production of serums, vaccines, bacterial cultures and viruses. Chapter 248, Statutes 1935.

Clinical Laboratory Act. Chapter 804, Statutes 1937. Non-profit hospital service plans. Chapter 386, Statutes 1935.

Prescribing Dinitrophenol a felony. Chapter 583, Statutes 1939.

Special Agents and Investigators; Peace Officers. Chapter 576, Statutes 1939.

Medical service corporations. Chapter 563, Statutes 1941.

MEDICAL PRACTICE ACTS OF CALIFORNIA
Table No. 2—Table for Consideration of Reciprocity Applications from Other States

On a License	1 To Practice Medicine and Surgery	2 To Practice Osteopathy*	3 To Practice a Drugless System	4 Chiroprropy	5 Midwifery
Dated prior to August 1, 1901	1a Requires the applicant to pass an oral examination. See chapter 354, Statutes 1913.	2a Practice not legalized—no reciprocity certificate can be granted.	3a Practice not legalized—no reciprocity.	4a Practice not legalized—no reciprocity.	5a Practice not legalized—no reciprocity.
	1b If application is based on equal standards, a direct reciprocity certificate may be issued; otherwise oral examination is required	2b Direct reciprocity on equal standards.	3b Practice not legalized as "Drugless"—no reciprocity.	4b Practice not legalized—no reciprocity.	5b Practice not legalized—no reciprocity.
Dates subsequent to August 1, 1901 and prior to March 4, 1907	1c Direct reciprocity certificate may be issued on equal standards; otherwise written examination.	2c Direct reciprocity on equal standards. Application must be based on a written examination.	3c Practice not legalized as "Drugless"—no reciprocity.	4c Practice not legalized—no reciprocity.	5c Practice not legalized—no reciprocity.
	1d Direct reciprocity certificate may be issued on equal standards; otherwise written examination.	2d Physician and surgeon or drugless practitioner certificate—depending on standard of state and qualification of applicant.	3d Direct reciprocity on equal standards; otherwise by written examination.	4d Practice not legalized—no reciprocity.	5d Practice not legalized—no reciprocity.
Dated subsequent to March 4, 1907 and prior to August 10, 1913	1e Direct reciprocity on equal standards; otherwise written examination.	2e Physician and surgeon or drugless practitioner certificate—depending on standard of state and qualification of applicant.	3e Direct reciprocity on equal standards; otherwise by written examination.	4e Direct reciprocity on equal standards; otherwise by written examination.	5e Practice not legalized—no reciprocity.
	1f Direct reciprocity on equal standards; otherwise written examination.	2f Physician and surgeon or drugless practitioner certificate—depending on standard of state and qualification of applicant.	3f Direct reciprocity on equal standards; otherwise by written examination.	4f Direct reciprocity on equal standards; otherwise by written examination.	5f Direct reciprocity on equal standards; otherwise by written examination.
Dated subsequent to August 10, 1913, and prior to August 8, 1915					
Dated subsequent to August 8, 1915					
Dated subsequent to July 27, 1917					

* For information write the Board of Osteopathic Examiners.

(Explanation notes to Table 2 on page 90.)

1. A. See Chapter 354, Statutes of 1913
 B. See Chapter 354, Statutes of 1913
 C. See Chapter 354, Statutes of 1913
 D. See Chapter 354, Statutes of 1913
 E. See Chapter 105, Statutes of 1915
 F. See Chapter 81, Statutes of 1917
 2. A. Certificates to practice osteopathy were not issued in California prior to March 9, 1901.
 B. See Chapter 105, Statutes 1915.
 C. Applicants presenting osteopathic certificates issued between March 4, 1907, and August 10, 1913, by a State maintaining a lower standard than California, may take the written examination for a drugless practitioner certificate provided such applicant fulfills the provisions of Sections 9 and 10, Chapter 354, Statutes of 1913, as amended by Chapter 105 of the Statutes of 1915.
 D. Certificates to practice osteopathy have not been issued in California since August 10, 1913—repeal of Chapter 212, Statutes 1907, and amendments thereto. See Chapter 354, Statutes 1913. Consequently, osteopaths must qualify for a physicians and surgeons or drugless practitioner certificate in accordance with the credential submitted from such other State and the board's classification thereof.
 E. Same as E. See Chapter 81, Statutes of 1917.
 F. Not recognized.

3. A. Not recognized.
 B. Not recognized.
 C. Not recognized.
 D. See Chapter 354, Statutes 1913. For reciprocity exactions see Chapter 105, Statutes 1915.
 E. Must meet the requirements of Sections 9 and 10, Statutes 1915, for drugless practitioner certificate.
 F. Same as E. See Chapter 81, Statutes of 1917.

4. A-B-C-D. Not recognized.
 E. See Chapter 105, Statutes 1915. An applicant practicing in California for one (1) year prior to July 1, 1915, who files an application within 90 days subsequent to August 8, 1915, and makes proof of competency, good moral character, etc., may be granted a certificate on credentials (registration).
 F. See Chapter 81, Statutes of 1917.

5. A-B-C-D-E. Not recognized.
 F. See Chapter 81, Statutes of 1917.

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